

*K. 1 113d*  
*The Alliance between Church and State,*

OR, THE

NECESSITY and EQUITY

OF AN

Established Religion

AND A

T E S T - L A W

Demonstrated,

From the Effence and End of Civil Society,  
upon the fundamental Principles of the  
Law of Nature and Nations.

In Three Parts.

The First, treating of a CIVIL and a RELIGIOUS SOCIETY:

The Second, of an ESTABLISHED CHURCH:  
and

The Third, of a TEST-LAW.

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—Res antiquæ laudis & artis  
Ingredior; sanctos ausus recludere fontes.

*Virg.*

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# P R E F A C E.



*F* the Form or Matter, of the ensuing Discourse may be thought to stand in need of further Apology than that general one of the Author's Weaknesses and Imperfections, which is always decent, and almost always necessary, to make to the Reader, I desire this following Advertisement may pass with him for such. As to the Form, the Subject being of the greatest Weight and Gravity in it self, and here treated abstractedly, I have aimed at nothing, in the Style, but Exactness in the Expression, and Clearness in the Construction: Content to have it without further Ornament than what Truth bestows upon it: And it being capable of affording Science, I have not only preserved Strictness of Method, but have not been over studious to decline even the Formality of it. Now these are Circumstances which, tho' they assist the gentle Reader in the Intelligence of the Discourse, yet render his Employment less agreeable and amusing. But this is not the worst. For, relying on the Strength of my Demonstration, I have laboured to contract

*the Discourse within such a Compass as that the whole may be commodiously read at once. But it treating of a great Variety of Particulars, I was necessitated to be very brief in many Points of Importance: Which had been inexcusable had not my Subject confined me to qualified Readers, and my Choice led me to such as a great Ancient requested for Judges of his Writings, Tales meorum Scriptorum velim Judices qui Responſionem non ſemper deſiderent, quum, his quæ leguntur, audierint aliquid contradici.*

*As to the Matter; Writing in an Age that, of all others, ſeems moſt to be attentive to diſengage it ſelf from Prejudices, enlarge its Views, and follow Truth and Nature whitherſoever they lead; to ſo juſt, ſo generous, and prevalent a Spirit I ſhall have the leſs Occaſion to apologize for the Latitude of my Theory. But this is the peculiar Happineſs of our own Times. It was not always ſo. When Dr. Taylor about a Century ago, compoſed his Liberty of Propheſying in Defence of Religious Toleration, (the firſt Book on that Subject wrote on reaſonable Principles,) tho' he had ſo ſtrongly vindicated the Right, and that, in Favour of the Eſtabliſhed Church under Oppreſſion and Perſecution; which had been overthrown for the want of a Teſt-Law to ſecure her; yet ſuch was the ſtrange Perverſity of ſome Men, at that Time, that the great Author was accuſed and calumniated for*

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for having vindicated their Right of serving God according to their Consciences; because he did it on Principles which made that Right extensive to all the rest of Mankind. They would accept of Toleration on no other Terms but because they were the true Church. I find my Engagement to be much the same with this excellent Writer's. When Attempts had been, and are still making, to violate the Immunities of the Established Religion, which have proved so far successful as to induce a very prevailing Opinion that it, with its Attendant, a Test-Law was a Violation of the Law of Nature and Nations, I presumed, very unworthy as I am, to stand up in its Defence. And to do this to more Advantage, I have all along reasoned, on the Principles of our Adversaries themselves, to prove that an Established Church and a Test are agreeable to those Laws, whether such Church be the true one or no. So far, I say, we are alike. But as greatly as that Author has the Advantage of me in the noble Elegance, Learning, and Force of his Composition, which, I truly think, is as great as can well be; so greatly have I the Advantage of him in the Felicity of the Times I write in. That narrow, sour, ignorant Spirit of Bigotry, blessed be God, is now no more. A learned one, of Liberty, and Christian Charity, universally prevails. So that that Freedom of Thought, which then gave so much Offence, now creates a Prepossession altogether favou-

*favourable to the Writer. But if after all, I should chance to be mistaken in the Humour of the Times, as it would be no great Wonder if I should, the Words of this illustrious Writer, with a little Alteration, will be my best Apology. — “ When a Persecution (says he in his general Epistle to his Polemical Discourses) “ did arise against the Church of England, and that I intended to make a “ Defensative for my Brethren and my self, “ by pleading for a Liberty to our Consciences “ to persevere in that Profession which was “ warranted by all the Laws of God and our “ Superiors, some Men were angry and would “ not be safe that Way, because I had made “ the Roof of the Sanctuary so wide that “ more might be sheltered under it than they “ had a Mind should be saved harmless: Men “ would be safe alone or not at all, supposing “ that their Truth and good Cause was war-  
 “ ranty enough to preserve it self. And they “ thought true, it was indeed warranty e-  
 “ nough against Persecution, if Men have be-  
 “ lieved it to be the Truth. But because we “ were fallen under the Power of our worst E-  
 “ nemies, they looked upon us as Men in Misper-  
 “ suasion and Error; and therefore I was to “ defend our Persons that whether our Cause  
 “ was right or wrong (for it would be supposed “ wrong) yet we might be permitted in Li-  
 “ berty and Impunity. But then the conse-  
 “ quent would be this, that if we, when we  
 “ were*

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“ were supposed to be in Error, were yet to  
 “ be indemnified, then others also, whom we  
 “ thought as ill of, were to rejoice in the same  
 “ Freedom, because this Equality is the great  
 “ Instrument of Justice. Of this, some Men  
 “ were impatient; and they would have all  
 “ the World spare them, and yet they would  
 “ spare no Body. But because this is too un-  
 “ reasonable I need no Excuse for my Wri-  
 “ ting to other Purposes.—I CANNOT RE-  
 “ PENT ME OF SPEAKING TRUTH, OR DO-  
 “ ING CHARITY.



T H E



PREFACE

THESE NOTES ARE THE RESULT OF A COURSE OF LECTURES  
GIVEN AT THE UNIVERSITY OF CHICAGO IN THE  
WINTER OF 1901. THE LECTURES WERE  
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PART I.  
*Of the Nature and End of Civil and  
of Religious Society.*

SECT. I.



IN *established Religion* and a *Test-Law*,  
the Two great Solecisms as we are  
made to believe in modern Poli-  
tics, are the Subject of the follow-  
ing Discourse. A Subject that has  
not only, in common with most  
other of Importance, been much perplexed with  
the Commixture of Civil and Religious Interests,  
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and Prejudices; but hath this, peculiar to it, to have the Defenders and Opposers of a *Test*, both proceed upon the same Principle, and that an erroneous one. For where Two Parties go upon different, they naturally begin with examining one another's, whereby the true one is at length settled, and, by its Aid, the Controversy timely determined; but where a false Principle has the Luck to be embraced by both Sides, they may wrangle for ever, and be, after all, but further from the Truth. Thus, of the Two Parties, into which we are divided, in this Matter, the one defends a *Test* on such Reasonings as destroy a Tolleration, and the other opposes it on such as conclude equally against the very Essence and Being of a national Religion. While the Arguments of both, as we observed, bottom upon one and the same mistaken Foundation.

The Principles of Society, Civil and Religious, here delivered, will, without any particular Application, clearly lay open the Iniquity of the intollerent Spirit of the one, and the direct and necessary Consequences, deduced from those Principles, will as strongly prove the Mischiefs attendant on the licentious Conclusions of the other. And having done this, from those clear Principles, and those necessary Consequences, we shall establish the perfect Concord and Agreement, between Religious-Liberty and a *Test-Law*. And in the last Place, detect the delusive Principle above mentioned, upon which both Parties have gone, and shew how it has led both, as extraordinary as it may seem, to quite contrary Conclusions.

Inveterate Mistakes therefore, about a Subject of such Importance, would be a sufficient Apology for the Expediency of this Discourse at any Time,

Time, altho' some late Occurrences had not made it particularly seasonable at the present.

Our unhappy Divisions in the State have it seems, amongst the various Intrigues of Parties, afforded Opportunity and Encouragement to the Protestant Dissenters to enter upon Measures for the Repeal of the Test-law. We are told by the weekly Writers, who call themselves the Friends and Servants of the Government, of a certain Party, which was the first Projector of this Scheme, for throwing the State into Convulsions, by a Dissolution of the original Union between the Two Societies: For what less would the bringing so many and discordant Sects into the wretched Remnants of an Establishment in a very little Time produce? However, this Design, if not abortive, at present sleeps with the Contrivers of it. I do not question but my Reader will be ready to felicitate his Country on the considerable Share these Friends and Servants of the Government above mentioned, who gave such early Warning of the Project, must probably have had in the defeating it. He will doubtless figure to himself in these Men the Conservators of public Liberty; he will be before Hand with us in guessing at the Arguments they employed to demonstrate our full Enjoyments of religious Rights in a large and legal Toleration. But how astonished will he be to be told, if he yet wants to be told, that these Pleaders for the Government, these Advocates for the Ministry, have largely and affectedly set themselves to prove, which was more than even the Party required or expected of them, that a Test-law, was in it self iniquitous; and that to remove the Grievance was the finishing Stroke, to a free Constitution, and would make a glorious Period to the just

and generous Labours of a ministerial Patriot? Differing only from their Adversaries in this, that the present was not altogether fit for the Perfecting so great a Work: But at the same Time assuring us that their Patrons would take the first Opportunity to shew the World how desirous they were of removing this heavy Burthen from the Necks of a free People. But how will it encrease his Wonder when he is further told that even a *revealed* Religion has not had better Quarter from these Men than an *established* one: And that whatever Concern they may pretend for the Impressions which a Faction may make upon the Minds of the People, it is most evident, their real and greatest is lest Religion should make any? Hence, with a peculiar Aim doubtless to conciliate to their Patrons the Love and Reverence of the Clergy, their frequent Returns of wild Panegyricks on Naturalism, their contemptuous Treatment of the very Name of Revelation, and their heavy-laboured Invectives against the Order it has instituted. But they may presume perhaps on a particular Indulgence from some superior Dexterity in their Trade: And being of such important Service to the State, the Peccadillo of Impiety may be easily remitted to them. —In Earnest, whatever Indulgence their Masters give them, I think it would be but Wisdom in their Adversaries to allow them more. 'Tis certain the Advantages they have got, are greatly owing to these with whom they have to deal. To expose them therefore so openly as they do to public Contempt is ill Policy, and may occasion a Change of Hands to the Disadvantage of the Party. Whose Writers, if they can but keep their own Counsel, have at present little to fear from Men whose natural Talents are fitted to serve no Cause,



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Cause, who have Indiscretion enough to injure the best, and Depravity of Heart to aggravate the very worst, which they may probably some Time or other chance to be engaged in.

The Reader then will easily believe that it was not for the sake of such, that the Considerations here offered to the Public were laid together. They are indeed opposed to Writers of a different Stamp and Character. It has unhappily befallen that some to whom this Kingdom is chiefly indebted for the profoundest Inquiries into Truth, and the strongest Defences of public Liberty\*, whose Vertues have raised them, living and dead, to the highest Rank of Reputation, and Posts of Authority, and whose Names, as long as any Regard is had to Truth or Liberty in *Great Britain*, will be esteemed glorious to their Age and Country; it has unfortunately happened, I say, to these to think hardly of a Test-law, and of a national Religion so secured. From whence this arse will be shewn its Place. In the mean Time the Reader is only desired to suspend all Prejudice to great Names till he has seen what can be said to evince him of their Mistake.

It is not my Design in this Discourse to enter at all into the particular Questions that the late Occurrences may have revived on this Subject. Such as the Expediency or Inexpediency, at this Juncture, to enlarge the Bottom of the Establishment in order to strengthen the general Interests of Protestantism. I own my self entirely un-

\* See *Reasonableness of Christianity*---Notes on St. Paul's Epistles. *Essays concerning Civil Government*, and *Letters concerning Toleration*---*The Measures of Submission to the civil Magistrate consider'd*, *The Original and Institution of Civil Government discuss'd*. *Terms of Acceptance*, &c.

fit to interfere in those Questions; and leave them with a becoming Submission to the Wisdom of my Superiors. Had no more been ventilated in the late Disputes on this Subject, the Public had not been troubled with the following Discourse. But when the abstract Principle of Right was found to be appeal'd to by both Parties, and so extravagantly drove, that the one Side was for having our Establishment believed of divine Right; and the other, a Test, the Violation of all human ones; it was thought not unseasonable to attempt the exposing the pernicious Consequences of both these Opinions, when in so doing it would appear that the present happy Constitution of Church and State was erected on true, solid, and lasting Foundations.

This alone being our Subject, we shall not seek to defend an Establishment and a Test by the Laws of this or that State, or on the Principles of this or that Scheme of Religion, but on the great and unerring Maxims of the Law of Nature and Nations. And when on Occasion we happen to apply Reasoning here inforced to this or that Church, it will be only so far forth as they are conformable to that Law.

## S E C T. II.

**T**O lay our Foundation therefore with sufficient Strength, it will be necessary, tho' in the most concise Manner, to consider the Nature of Man in general, and of that civil Community which he invented with so much Benefit to his Kind: that seeing his Wants, and the Remedies he applied to them, we may better judge of their Fitness to, and Operations on each other.

The

The Appetite of Self-preservation being most indispensibly necessary to every Animal, Nature has made it the strongest of all their Appetites. And tho', in rational Animals, Reason alone might be supposed sufficient to answer the End for which this Appetite is bestowed on others, yet, the better to secure that End, Nature has given Man, likewise, a very considerable Share of the same Instinct with which she has endowed Brutes so admirably to provide for their Preservation. Now, whether it was some *plastic Nature* that was here in Fault, which the great *Bacon* says, *knows not how to keep a mean* †, or that it was all owing to the perverse Use of human Liberty, certain it is, that born away with the Pleasure of gratifying this Appetite, Man in a State of Nature soon ran into very violent Excesses: and never thought he had sufficiently provided for his own Being, till he had deprived his Fellows of the free Enjoyment of theirs. Hence all those Evils of mutual Violence, Rapine, and Slaughter, that, in a State of Nature, amongst Equals, must needs abound. Because, tho' Man, in this State, was not without a Law, which exacted Punishment on evil Doers, yet the Administration of that Law not being in common Hands, but either in the Person offended, who being a Party would be apt to enforce the Punishment to excess; or else in the Hands of every one, as the Offence was against Mankind in general, which affecting the good of particulars not immediately or directly, would be remissly executed. And very often where both these Executors of the Law of Nature were disposed to be impartial and exact, in the Administration of

† *Modum tenere nescia est.*

Justice,

Justice, they would yet want Power to inforce it. Which altogether, would much inflame the Evils above mentioned; which would soon become as general, and as intollerable as the *Hobbeists* represent them, in that State, to be, was it not for the restraining Principle of RELIGION that kept Men from running altogether into the Confusion necessarily consequent on the Principle of inordinate Self-love. But yet it could not, in this State, operate with sufficient Efficacy for Want, as we observed before, of a common Arbitrer, who had Impartiality enough fairly to apply the Rule of Right, and Power to inforce its Operations. So that these Two PRINCIPLES were in endless Jar; and, as Chance directed, sometimes one, and sometimes the other became prevalent. The restraining Principle of RELIGION therefore, found it necessary to call in a CIVIL MAGISTRATE, as an Allye to turn the Ballance.

Thus was Society invented for a Remedy against Injustice: And a Magistrate by mutual Consent appointed to give a Sanction to "that common Measure to which, Reason teaches us, "that Creatures of the same Rank and Species, "promiscuously born to the same Advantages of "Nature, and to the Use of the same Faculties, "have all an equal Right"\*. Where it is to be observed, that tho' Society provides for all those Conveniencies and Accommodations of more elegant Life, which Mankind must have been content to have been without, in a State of Nature, yet it is more than probable that these were never thought of when Society was first instituted†: But that they were the mutual vio-

\* Lock.

† Tho' the judicious *Hooker*, thinks those Advantages were principally intended when Man first entered into Society. His

lences



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*Religious Society.*

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lences and Injustices, at length become intolerable, that set Men on contriving this Remedy. Because Evil felt has a much stronger Influence on the Mind than good imagined: And the Means of removing the one is much easier discovered than the way to procure the other: And this by the wise Disposition of Nature; the avoiding Evil being necessary to our Existence, not so, the procuring Pleasure. Besides the Idea of those unexperienced Conveniencies would be at best very obscure: And how unable Men would be, before tryal, to judge that Society could bestow them, we may see by observing how little, even now, the generality of Men, who enjoy those Blessings, know or reflect that they are owing to Society, or how it procures them, because it does it, neither immediately nor directly. But they would have a lively sense of Evils felt; and would know that Society was the Remedy, because the very Definition of the Word would teach them how it becomes so.

S E C T. III.

Civil Society thus established; from this Time Men, as the Poet says,

—— *abstistere bello,*

*Oppida caperunt munire, & ponere leges,*

*Ne quis Fur esset, neu Latro, neu quis Adulter.\**

Words are these — “ But, forasmuch as we are not by ourselves sufficient to furnish ourselves with competent Store of Things needful for such a Life as our Nature doth desire, a Life fit for the Dignity of Man: Therefore to supply these Defects and Imperfections which are in us, living singly and solely by ourselves, we are naturally induced to seek Communion and Fellowship with others. *This was the Cause of Men’s uniting themselves at first into politique Societies.*

Eccl. Pol. L. 1. § 10.

\* Horace.

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But as before, RELIGION alone was an ineffectual Remedy to moral Disorders, so now, SOCIETY, without other Assistance, would be equally insufficient.

1. For, first, its Laws can have no further Efficacy than to restrain Men from an *open* Violation of Right, while what is done amiss in private, tho' equally tending to the public Prejudice, escapes their Animadversion. And Man, since his entering into Society would greatly have improved his Malice in the secret way of working. For now an effectual Security being provided against *open Violence*, and the inordinate Principle of Self-love, still the same, *secret Craft* was the Art to be improved; and the first Principle of the Mystery being a Pretence to Disinterestedness; what Advantages it would afford to those private Mischiefs which Civil-Laws could not take Notice of, is not difficult to conceive.

2. But, secondly, the Influence of Civil-Laws cannot in all Cases be extended even thus far, namely to the restraining an open Violation of Right. It cannot then, when the severe Prohibition of one Irregularity threatens the bringing on a greater: And this will always be the Case when the Irregularity is owing to the Intemperance of the natural Passions. Hence it has come to pass that no great and flourishing State could ever punish what is called simple Fornication, in such a Manner as its ill Influence on Society was confessed to deserve. Because it was always found that a too severe Restraint of this, opened the Way to worse Lusts.

3. But this was not all, there was a further Inefficacy in human Laws. The Legislature in enquiring into the mutual Duiets and Devoirs of Citizens, arising from their Equality of Condition,

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tion, found those Dutys to be of Two Sorts. The first, they intitled the Duties of PERFECT OBLIGATION, because Civil-Laws could readily and commodiously, and were of necessity required to inforce their Observation. The other, they called the Duties of IMPERFECT OBLIGATION; not that Morality does not as strongly exact them, but because Civil-Laws could not conveniently take Cognizance of them; and that they were supposed not so immediately and vitally to affect the Being of Society. Of this latter Kind, are Gratitude, Hospitality, Charity, &c. concerning such, for these Reasons, Civil-Laws are generally silent. And yet, tho' it may be true that these Duties which humane Laws thus overlook may not so directly affect Society, it is very certain that their Violation brings as fatal, tho' not so swift, Destruction upon it, as that of the Duties of perfect Obligation. A very competent Judge, and who too speaks the Sentiment of Antiquity concerning this Matter, hath not scrupled to say — "*Ut scias per se expetendam esse grati animi adfectionem, per se fugienda res est ingratum esse: Quoniam nihil æquè concordiam humani generis dissociat ac destrahit, quam hoc vitium* \*.

4. But further, besides these Duties both of perfect and imperfect Obligation, for the encouraging and enforcing of which Civil-Society was invented, Society it self begot and produced a new Set of Duties which are, to speak in the Mode of the Legislature, of imperfect Obligation, unknown to the State of Nature. The first and principal of which is, that antiquated forgotten Virtue called the LOVE OF OUR COUNTRY.

\* Seneca de Benef. L. 4. C. 18.

5. But lastly, Society not only introduced a new Set of Duties, but likewise increased and inflamed, to an infinite Degree, those inordinate Appetites for whose Correction it was invented and introduced; like some kinds of powerful Medicines that, at the very Time they are working a Cure, heighten the Malignity of the Disease. For the Appetites take their Birth from our real or imaginary Wants. Our real Wants are necessarily and unalterably the same; exceeding few, and easily relieved, and arise only from the natural Imbecillity of our Condition. Our phantastick Wants are infinitely numerous, to be brought under no certain Measure nor Standard, and increase exactly in proportion to our Improvements in the Arts of Life. But the Arts of Life owe their Original to Civil Society; and the more perfect the Policy is, the higher do those Improvements rise, and, with them, are Wants, as we say, proportionably increased and our Appetites inflamed. For the Violence of those Appetites that seek the Gratification of our imaginary Wants is much stronger than that raised by our real Wants. Not only because those are more numerous, which gives constant Exercise to the Appetites; and more unreasonable, which makes the Gratification more difficult; and altogether unnatural, to which there is no Measure; but principally because vicious Custom has affixed a kind of Reputation to the Gratification of the phantastic Wants, which it has not done to the Relief of the real ones. So that, on the whole, our Wants increase in Proportion to the Advancement and perfecting of the Arts of Life. But in Proportion to our Wants, so is our Uneasiness—to our Uneasiness, so our Endeavours to remove it—to our Endeavours, so the Weakness

ness of human Restraint. Hence it is evident, that in a State of Nature where little is consulted but the Support of our Existence, our Wants must be few and our Appetites in Proportion weak; and that in Civil-Society where the Arts of Life are cultivated, our Wants must be many and our Appetites in Proportion strong.

Thus on the whole we see that Society by its own proper Force cannot provide for the Observance of above one Third Part of moral Dutys; and of that Third but imperfectly. We see likewise, how by the peculiar Influence of its Nature it enlarges the Duty of the Citizen at the same Time that it lessens his natural Ability for the Performance.

To supply these Defects in Civil-Laws there must be added some other coactive Power that has its Influence upon the Mind of Man, to keep Society from running back into Confusion. But there is no other than the Power of Religion. Which teaching an overruling Providence the Rewarder of good Men and the Punisher of ill, can oblige to the Duties of *imperfect Obligation*, which human Laws overlook; and teaching likewise that this Providence is Omniscient, that it sees the most secret Actions and Intentions of Men, and has given Laws for the perfecting their Nature, will oblige to those Duties of *perfect Obligation*, which humane Laws cannot teach or enforce.

Thus we have in general explained the mutual Aid Religion and Civil-Policy lend to each other. Not unlike that which Two Allies in the same Quarrel may reciprocally receive against a common Enemy. While one Party is closely pressed, the other comes up to its Relief, disengages the first, gives it Time to rally, and recruits



cruit its Powers : By this Time the assisting Party is, in its Turn, likewise pushed, and needs the Aid of that which it relieved, which is now ready to repay the Obligation. From henceforth the Two Parties ever act in Conjunction, and, by that means, keep the common Enemy at a Stand.

This use of Religion to the State was seen by the Learned, and felt by all Men of every Age and Nation. The ancient World particularly was so firmly convinced of this Truth, that the greatest Secret of the sublime Art of Legislation consisted in this, how best, Religion might be applied to serve Society. The particular Methods they employed, and the several artful Detours they used to arrive at this End are in the second Book of the Treatise mentioned in the *Appendix* at large explained. But what would we more, when the Adversaries of all Religion, themselves confess this Truth? For, from this most apparent Necessity of Religion to Society, the Atheist formed his famous Argument against the divine Original of it, which makes so great a Figure in the Systems of ancient and modern Infidelity. *Critias* of *Athens*, one of the Thirty Tyrants, and the most execrable of the Thirty, has delivered this Doctrine in the most beautiful Iambics. Which curious Fragment from *Sextus Empiricus*, the Reader may not perhaps be displeased to see. It being a Confession not simply from an Adversary, but from a most experienced one, whose public Station had taught him what Religion was able to do for Society. His Words are to this Purpose.—\* “ There was a Time when Man

\* Ἦν χρόνος ὅτ' ἐν ἀτακτῷ ἀνθρώπων βίῳ, καὶ συνεώδην, ἰσχυρῶς δ' ἐπαισύνοντο, &c. Apud Sext. Emp. adv. Phys. C. 9.

“ lived



“ lived like a Savage without Government or  
“ Laws: The Minister and Executioner of Vi-  
“ olence. When there was neither Reward an-

§ 54. There are many various Readings of this Fragment, and I have chose that which I thought the truest. That *Critias* was the Author of it, how much soever the Critics seem inclin'd to give it to *Euripides*, I make no Scruple to assert. The Difficulty lyes here—*Sextus Empiricus* expressly gives it as *Critias's* whom he qualifies with the Title of *one of the Thirty Tyrants*. So that here could be no Mistake of Names in the Transcriptions of the MSS. Yet *Plutarch* is still more express for *Euripides*; names the Play it belonged to, and adds this further Circumstance, that the Poet chose to broach his Impiety under the Character of *Sisyphus* to keep clear of the Laws. Thus are Two of the most knowing and correct Writers of Antiquity judged to be irreconcilable in a plain Matter of Fact. Mr. *Petit* who has examined the Matter at large [*Observ. Miscel. L. i. C. i.*] declares for the Authority of *Plutarch*. And Mr. *Bayle* has clearly shewn [*crit. dict. Ar. (Critias) Rem. (H.)*] the Futility of his Reasoning in Support of *Plutarch's* Claim. *Petit's* Solution is this. He supposes there is an *Hiatus* in the Text of *Sextus*: that the Copiest, from whom all the existent MSS. are derived, when he came to *Critias*, unwarily jumped over the Passage quoted from him, together with *Sextus's* Observation of *Euripides's* being in the same Sentiments, and so joined *Sextus's* Name and *Euripides's* Iambics together. But this is evidently seen to be such a Liberty of conjecturing as would unsettle all the Monuments of Antiquity. I take the true Solution of the Difficulty to be this—*Critias*, a Man, as the Ancients deliver him to us, of Atheistic Principles and a fine poetic Genius, composed these Iambics for the private Use of his Fraternity; which were not kept so close but that *Euripides* met with them. *Euripides* to whom the general Current of Antiquity conspires to give a very virtuous and religious Character, (tho' *Plutarch* has indeed given many iniquitous Insinuations to the contrary. And the Tragic Poet being to draw the Atheist) *Sisyphus* artfully determined to put these Iambics into his Mouth. For first, by this Means the Sentiment would be sure to be just and natural as taken from Life, and give a certain Relief to the Drama. Secondly, this was indeed a sure way of evading the Danger imminent on the broaching such Principles. And admitting this, *Plutarch's* Account is very reasonable, who tells us that *Euripides* delivered this impious

“ nexed

“nexed to Virtue, nor Punishment attendant upon Vice. Afterwards, it appears, that Men

Doctrine by a Dramatic Character to evade the Justice of the *Areopagus*. For thinly to cover Impiety, by the Person of a Drama, which made Part of their religious Rites, and was under the most exact Regulation of the Magistrate, was a poor way of evading the Penetration and Severity of that tremendous Court, how good a modern Shift soever it might be. But the giving the Verses of *Critias* to his Atheist was a safe Way of keeping under Cover. For all Resentment must needs fall on the real Author. Especially when it was seen that they were produced solely for Condemnation, as will now appear. For thirdly, he had hereby the Satisfaction of exposing a very wicked Man, in which he had no Apprehensions of Power in his Adversary to deter him. For *Critias* was then a private Man. The *Sisyphus* being, I find, acted in the 91. Olimp. and the Tyranny of the Thirty not beginning till the latter End of the 93d — But what is above all (which indeed gave me the Hint of this Solution, and advances the Conjecture into a Certainty) the Nature and Genius of that particular Drama wonderfully favoured his Design. For it is remarkable, that the *Sisyphus* was the last of a Tetralogy, (τετραλογία τραγικῶν θεματίων) or a Satiric Tragedy; in which Species of Poetry, Liberties something resembling the *Old Comedy* of branding licentious Citizens, were indulged, and where the same Custom of parodying the Writings of others were in use. Admitting this to be the Case, it could not but be that for a good while after these Iambics would be quoted by some as *Critias's*, whose properly they were, and by others as *Euripides's* who had got the use, and in whose Tragedy they were found and by both with Reason. And thus I suppose; *Plutarch* and *Sextus* may well be reconciled. But in after Times this Matter was forgot or not attended to. And then some took them for *Euripides's* exclusive of the Right of *Critias*, and others on the contrary. And as a Copiest fancied one or other the Author, so he read the Text; of this we have a remarkable Instance, in the 35. V. where a Copiest imagining the Fragment to be *Euripides's*, chose to read ὅτι τε λαμπρὸς ἀστὲρ σείχεται μύθεος. Because this expresses the peculiar Philology of *Anaxagoras* the Preceptor of *Euripides*, which Mr. *Barnes* thought a convincing Proof of the Fragment's being really his; whereas that makes a Sence defective and impertinent. The true Reading being evidently this of *Grotius*, λαμπρὸς ἀστὲρ σείχεται χορὸς.

“invented

" invented Civil-Laws to be a Curb to Evil.  
 " From hence Justice presided over the humane  
 " Race ; Force became a Slave to Right, and  
 " Punishment irremissibly pursued the Trans-  
 " gressor. But when now the Laws had re-  
 " strained an open Violation of Right, Men set  
 " upon contriving how secretly to injure others.  
 " And then it was, as I suppose, that some  
 " cunning Politician, well versed in the Know-  
 " ledge of Mankind, counterplotted this Design  
 " by the Invention of a Principle that would  
 " hold wicked Men in awe even when about to  
 " say or think or act ill in private. And this  
 " was by bringing in *the Belief of a God* ; whom  
 " he taught to be Immortal, of infinite Know-  
 " ledge and a Nature superlatively excellent.  
 " This God he told them could hear and see  
 " every Thing said and done by Mortals here  
 " below : Nor could the first Conception of the  
 " most secret Wickedness be concealed from him,  
 " of whose Nature Knowledge was the very Es-  
 " sence. Thus did our Politician by inculcating  
 " these Notions, become the Author of a Doctrine  
 " wonderfully taking, while he hid Truth under  
 " the embroidered Veil of Fiction. But, to  
 " add Terror to their Reverence, the Gods, he  
 " said, inhabited that Place which he knew to  
 " be the Repository of all those Mormos and  
 " panic Horrors which Man was so dextrous at  
 " imagining, to fright himself withal, while he  
 " adds fancied Miseries to a Life already over-  
 " burthened with Distasters. That Place, I  
 " mean, where the swift Coruscations of enkind-  
 " led Meteors, accompanied with horrid bursts  
 " of Thunder run thro' the starry Vault of Hea-  
 " ven ; the beautiful Fretwork of that wise old  
 " Architect, Time. Where the consociated

D

" Troop

“ Troop of shining Orbs perform their regular  
 “ and benignant Revolutions: And from whence  
 “ refreshing Showers descend to recreate the  
 “ thirsty Earth. Such was the Habitation he as-  
 “ signed for the Gods; a Place most proper for  
 “ the Discharge of their Function: And these  
 “ Terrors he applied to circumvent secret Mis-  
 “ chief, stifle Disorder in the Seeds, give his  
 “ Laws fair Play, and *introduce Religion so neces-*  
 “ *sary to the Magistrate*—This, in my Opinion,  
 “ was the *Trick* whereby mortal Man was first  
 “ brought to believe that there were immortal  
 “ Natures. ”

How excellent a Thing is Justice, said some bo-  
 dy or other, on observing it to be practised in  
 the Dens of Robbers. How useful and necessary  
 a Thing is Religion, may we say, when it for-  
 ces this Confession of it's Power from a Tyrant  
 and an Atheist the most execrable Monster ever  
 spawned by Hell, to lay waste Society and dis-  
 grace Humanity. As to this favourite Notion  
 of licentious Men of all Ages, *that Religion was*  
*the Invention of Statesmen* the Reader will I am  
 persuaded find it so thoroughly confuted in the  
 3<sup>d</sup> B. of the Discourse before referred to, that  
 the idle Vision shall hereafter be esteemed as  
 only fit to go in rank with the Tales of Nurses  
 and the Dreams of Freethinkers. But those with  
 whom I have at present to deal, owning the Pow-  
 er, and recognising the divine Original of Reli-  
 gion, I proceed in my intended Demonstration.

Religion being thus proved necessary to Socie-  
 ty, that it should be so used, and applyed, in  
 the best way and to most Advantage to that End,  
 needs no Proof. It is even as instinctive in our  
 Nature to improve a Good as to investigate and  
 pursue it. And with regard to the particular  
 Good



Good in Question, there is a special Reason why Man should study its Promotion and Improvement: For the Experience of every Place and Age has informed us that the Coactivity of the joint Restraints of Civil-Laws and Religion is all little enough to keep Men from running into Disorder and mutual Violence. But this Improvement is the Effect of human Art and Contrivance. For all natural good; every Thing constitutionally beneficial to Man, needs Man's Industry to make it better. We receive them all at the provident Hand of Heaven, rather with a Capacity of being applied to our Use than immediately fit for Service. We receive them, indeed, in full Measure, but, rude and unprepared. The efficient Cause of this, in natural Goods, is the Intractability and innate Stubbornness of Matter; and in moral Goods, the Malice and Perversity of Man. The final Cause seems to be, that Man, the most incapable of the whole Creation, of a State of Idleness and Inactivity, may be set to work, and by this Means made to cultivate and improve the Faculties of his Mind and Body.

Now concerning this technical Improvement of moral Good, it is, in artificial Bodies, as in natural ones. Two may be so essentially constituted as to be greatly able to adorn and strengthen each other. But then, as in the one Case a more juxta Position of the Bodies is not sufficient, so neither is it in the other; some Union, some Coallition, some artful Insertion into each other will be necessary. But now again, as in natural Bodies, the Artist knows not how to set about the proper Operation, till he has acquired a reasonable Knowledge of the Nature of those Bodies which are the Subject of his Skill, so nei-



ther can we know after what Manner Religion is to be applied in the best Way to the Advantage of the State, till we have learned the real and essential Nature both of a State and a Religion. We have already indeed said enough of both in general to shew that they have necessarily a very good Effect on each other: As our Artist, who by the previous Knowledge of their most obvious Qualities, we suppose, discerns so much, that two natural Bodies will have a good Effect on each other when properly applied, tho' he has not yet gained so thorough a Knowledge of their Nature as to make a proper Application.

## SECT. IV.

**W**E must therefore in the next Place examine the Nature of Civil-society and Religion with more particular Exactness and Precision. Of whose Natures truly to be informed the only Way is to find out their Ends. And this will be the more necessary on Account of the strange Extravagances that the several Sects amongst us have run into concerning one and the other Society. While some strike at the Nature, some, at the Administration, and some, at the very Being of both. The *Papist* makes the State a Creature of the Church; the *Erafsian* makes the Church a Creature of the State: The *Presbyterian* would regulate the Exercise of the State's Power on Church Ideas; The *Free-thinker*, the Church, by Reasons of State: And, to compleat the Farce, the *Quaker* abolishes the very Being of a Church; and the *Socinian* suppresses the Office of the Civil Magistrate. But to begin with Civil-Society.

It was instituted either with the purpose of attaining all the good of every Kind, it was even acci-

accidentally capable of producing, or only of some certain Good, which the Institutors aimed at, without consideration had, in their Scheme, to other. To suppose its end the vague Purpose of acquiring even all possible accidental Good, is, in Politics, the highest Solecism imaginable: As has been sufficiently proved by the Writers † on this Question. And how untrue, in fact, may be gather'd from what we have said above, of the Origin of Society. Civil-Society then, I suppose will be allowed to have been instituted for the Attainment of some precise determined End or Ends.—If so, then for some without Consideration had to others, which again, infers the Necessity of distinguishing this End from others. But the Distinction can arise only from the different Properties, of the Things examined. But, again, amongst all those Things which are apt to obtrude, or have in fact obtruded, upon Men, as the Ends of Civil-Society there is but one difference in their Properties as ends. Which is this,—that one of these is attainable by Civil-Society only, and all the rest are with equal Ease attainable without it. The Thing, then, with the first mentioned Property must needs be that genuine precise determinate End of Civil-Society. And what is that but the SECURITY OF THE TEMPORAL LIBERTY AND PROPERTY OF MAN? For *this*, we have shewn Civil-Society was invented, and this, Civil-Society alone is able to Procure. The great but spurious Rival of this End, THE SALVATION OF SOULS or the Security of Man's future Happiness, is therefore excluded from this Part of the Division. For this, not depending on outward Accidents, or

† See *Lock's Defences of his Letters of Toleration.*

on the Will or Power of another, as the Body and Goods dō, may be as well attained in a State of Nature as in Civil-Society. And therefore, on the Principles here delivered, cannot be one of the Causes of the Institution of Civil-Society, nor, consequently one of the Ends thereof. But if so—the Promotion of it comes not within the peculiar Province of the Civil Magistrate. If then, as a Magistrate, he has nothing to do with this, as an End, it follows that the Means for the Attainment of that End are without his Jurisdiction. These Means are DOCTRINE AND MORALS, which compose what is called RELIGION in the largest Sense of the Word.—That Opinions are not in his Ressort, I again refer the Reader, (because I would avoid what has been examined by others) to the Writers for Tolleration. Where it may be seen how, from the Principles here laid down, the whole Doctrine of religious Liberty is impregably established.—And that even Morals are not, so far as they are only considered as making Part of Religion, how strange soever this Assertion at first View may appear, I doubt not but to be able to prove, both from the Reason of the Thing, and from the fundamental Practice of all Civil-Societies. We have shewn, it was the Care of the Bodies, not the Souls of Men, that the Magistrate undertook to give Account of. Whatsoever therefore refers to the Body and its Appendices is in his Jurisdiction; whatsoever, to the Soul is not. But, and if there be a Thing which refers equally to both (as Morals plainly do) this Thing must needs be partly within and partly without his Province. That is, it is to be partially considered by him. His Care concerning it extending thereto, only as it affects the aggregate Body of Society. The other Consideration

3  
*Religious Society.* 23

ration of it, namely as it makes Part of Religion, being in the Hands of those who preside in another kind of Society of which, more hereafter.

Our Proof of this Matter *a posteriori* we fetch from the fundamental Practice of all Civil States. One need only cast one's Eye on any Digest of Laws for Satisfaction in this Point. Where it will be seen that Actions have their annexed Punishments denounced not as those Actions are VICES, *i. e.* not in Proportion to their Deviation from the eternal Rule of Right: Or as they are SINS, *i. e.* to their Deviation from the extraordinary revealed Will of God, which coincide and come to one and the same: But as they are CRIMES *i. e.* in Proportion to their malignant Influence on Civil-Society.

But the View in which the State regards the Practice of Morality is most evidently seen in the Recognition of that famous fundamental Maxim, by which penal Laws, in all Communities without Exception, are fashion'd and directed. THAT THE SEVERITY OF THE PUNISHMENT MUST ALWAYS RISE IN PROPORTION TO THE PROPENSITY TO THE CRIME. A Maxim evidently unjust, were Actions regarded by the State as they are in themselves; because the Law of Nature enjoins only in Proportion to the Ability of Performance; and humane Abilities abate in Proportion to the contrary humane Propensities:—evidently impious, were Actions regarded by the State as they refer to the revealed Will of God, because that Measure directly contradicts his Method and Rule of punishing. But supposing the Magistrate's Office to be that here delivered, his Aim must be only the SUPPRESSION of Crimes or of those Actions which malignantly affect Society; and then nothing can be more reasonable than this  
Proceedure,



Procedure. For then, his End must be the good of the *whole*, not of *particulars*, but as they come within that View. But the good of the whole being to be procured only by the *Prevention of Crimes*, and those to which there is the greatest Propension being of the most difficult Prevention, the full Severity of his Laws must of Necessity be turned against these.

But now it is to be observed, in order to clear this Matter from the Confusion to which the Want of this Observation has subjected it, that tho' Religion, or the Care of the Soul, be not within the Province of the Magistrate, and consequently Matters of Doctrine and Opinion hold not of his Jurisdiction; yet this must always be understood with an Exception to the Three fundamental Principles of natural Religion. Namely,—the Being of a GOD—his PROVIDENCE over human Affairs—and the natural essential Difference of MORAL GOOD and EVIL. These Doctrines it is directly of his Office to cherish protect and propagate. And all Oppugners of them it is as much his Duty and Right to restrain as any the most flagrant Offender against Civil Peace. Nor does this at all contradict our general Position that the sole End of Civil-Society is the Conservation of Body and Goods. For the Magistrate concerns himself in the Maintenance of these Three fundamental Articles, not as they promote our future Happiness but our present: As they are the very Bond and Foundation of Civil-Society. To understand this, we must remember what has been said above of the Original of it.

The Progress and Increase of mutual Violence, in the State of Nature, till it became general and insupportable, was owing to the natural Equality of Power amongst Men. The Remedy of these  
Evils



Evils were seen to be Civil-Society. But that Equality of Power, which occasioned the Evil, prevented the Remedy, any otherwise than by the Will and free Consent of every one. The Entrance therefore into Society was by Convention and Stipulation. But, then, that which made every Man's Consent necessary prevented his giving any other Security for the Performance of his Compact than his own Word. How feeble a Security that alone is is known to every one. Some Means therefore were to be contrived to strengthen the Obligation of his Word given. But nothing in the Case here imagined of perfect Equality, and such was the Case on entering into Society, except Religion could give this Strength. An Oath, then, made upon the three great Principles, above mentioned, was that Sanction to his Word which was universally employed in all Conventions. For *that* is an Invocation to Heaven, whose Providence it was believed regarded Men's Actions, that Good was the Object of his Delight and Ill of his Displeasure, and that he would punish and reward accordingly; which necessarily implied an essential Difference between Good and Evil, prior to all humane Decrees.

Again, when Society was once established it was necessary that humane Laws should be enforced on a Principle of RIGHT as well as Power. But the preserving these three great Articles of natural Religion could alone subsist the Principle of Right. Therefore was the Magistrate to provide for their Support. But these being all that were necessary to this End, Religion as such, was no further under his Cognizance. The Consequence is, that no particular Scheme or Mode of Religion was under his Care as a Magistrate, till he

had covenanted and compacted to that Purpose, as we shall see hereafter. But for a precise Vindication of the Necessity of these Three great Principles to a State I refer the Reader to the first Book of the Discourse above referred to; where he will see the Cavils of Mr. Bayle against that Necessity fully confuted.

Thus it is seen that tho' the Conservation of these Principles belongs to the Magistrate, it is not because they compose Part of the beauteous Structure of a Commonwealth, which would be violating the Unity of its End, but as they are the Rock, the Foundation on which that Edifice is built. But it is not the less for that, within the Province of the Magistrate. As it was not the less within the Care of the ancient Office of *Ædile* at *Rome* to see that the Foundations were not sapped or decayed, than that the Public Buildings thereon erected were not defaced or dilapidated. And it is not without sufficient Cause that I labour to inculcate this Distinction. For if the Care of these Principles were within the Magistrate's Jurisdiction, as making one Part of the Structure, or, in other Words, as if Part of his Office was the Care of Souls, I can see no Reason but that more might with equal Pre- tence, enter in, 'till the whole of Religion devolved upon him. And how mischievous this would be to the State, and how much more mischievous to Religion the following Discourse will amply demonstrate. But if these Principles are within his Care only as they are the Foundation and Rock on which Society is built, there is then abundant Reason why it should not be enlarged. And yet many Policies both ancient and modern by a preposterous kind of Architecture, that enlarges the Foundation at the same Time that it  
narrows

narrows the Superstructure, have with this Rock so surrounded the Common-Wealth on all Sides that they put one in Mind of the old Punishment of immuring Malefactors within four Walls. For a pretended Regard to Vertue and Religion has in all Ages disposed the Magistrate to deviate from what I have here shewn to be his proper Office, and the legitimate End of Society, till at length the Care of the Soul got the upper Hand of that of the Body in his Administration, to the infinite Damage of Mankind in all his Interests. Tho' I can easily conceive the Magistrate industriously propagating this flattering Delusion in order to increase the Power of his Office and the Veneration to his Person, yet I am persuaded that Mistake first introduced the Mischief, tho' Fraud might, perhaps, contribute to support and fix it. Because I find the Error to have spread it self even into those Communities where public Liberty, and consequently publick Good, have been most aimed at, and effected, Which has so rivetted the Mistake concerning the Magistrate's real Office in the Minds of some Men, that the wisest Administrations have thereby oft become subject to most unjust Censure. For born away with this Notion that his Office extended to the Care of Souls, and finding at the same Time the best Institutes of Civil-Laws framed with a manifest disregard thereto, they have rashly adventured to accuse such of Neglect, Carnality and Irreligion. Now in order to vindicate such Constitutions and to remove this only Bar to the Principles before laid down, it may be proper to trace up, from the Original, the several Causes that contributed to this Mistake of the Magistrate's real Office. Whereby it will appear that that which makes most in favour of it, namely

the Antiquity, will only prove the Inveteracy of Error not the Establishment of a Truth.

I. The first Cause of this Error was the confused Mixture of Civil and Religious Interests, to which the Magistrate, in the Execution of his Office, had his Regard attached. This several Causes had in several Ages effected.

As first, In the Infancy of Civil Society, Fathers of Families, who always executed the Office of Priesthood, when they advanced, or were called up, to the Administration of public Affairs, carried the sacred Office with them into the Magistracy. And continued to execute both Functions in Person. So that the Care of Religion which was thus by Accident attached to the Person of the Magistrate would naturally in Time be thought belonging to his Office.

Secondly, Most of the ancient Legislators, and Institutors of Civil Policy, having found it necessary, for the carrying on their Schemes, to pretend to Inspiration and the extraordinary Assistance of a God (as the Reader will see at large explained in the second Book of the Work before referred to) it was natural for them, as in Effect they did, to mingle and confound together Civil and Religious Considerations. And so to animadvert on Actions not only as Crimes against the State but as Sins against that God who patronized the Foundation, and consequently often make their Adjustments and Proportions between the Action and the Punishment rather according to the latter Consideration.

Again, in after Ages, when the Roman Emperors became Christian, agreeably to the Zeal of new Converts, they introduced into the Civil Institutes, Laws against Sin. In which they acted, as they were assured by the Ecclesiastics, in Confor-



Conformity to the Example and Precepts of Scripture which they professed to believe. And in this Manner contributed to confound the Distinction of the two Societies. But this false Judgment owed not its Birth to the Christian Religion. For by that, so exact a Distinction between the two Societies is inculcated and inforced that it is not easy to Mistake it; but to the *Jewish*, in which those Societies were consolidated, and, as it were, incorporated. For here, in a Civil Policy instituted immediately by God himself, and therefore to be esteemed most perfect and of course worthy the Imitation of all Magistrates who professed themselves the Servants of that God, Sins and Crimes were seen to be equally within the Magistrate's Jurisdiction. They did not reflect that that Jurisdiction was the necessary Consequence of a Theocracy, a Form of Government different in kind from all others. For a clear Account of which much mistaken Policy I refer the Reader to the fourth Book of the before quoted Treatise.

Again, in these latter Times, when the great Separation was made from the Church of *Rome*, in the fifteenth and sixteenth Centuries, the People in most Places, except in *England*, led on by their Ministers, whose Heads were full of the *Jewish* Dispensation ill understood, procured their national Reformation, and, in some Places, it being the Fortune of the State as well as Church to be new modeled, it was no Wonder that, under such Artifices, a ridiculous imitation of the *Jewish* State should be affected, and consequently, that such Magistrates should shew a greater Concern for restraining Sins than Crimes. And here I cannot without much Grief observe that this wrong Judgment was not only pernicious to Civil-



Civil-Society, but at that Time highly injurious to the Interests of Protestantism, it did indeed contribute more than any Thing besides to rivet Popery upon us, that was then shaken to its lowest Foundations, while it put a Stop to the glorious Progress the reformed Religion was then making thro'out *Europe*, from *East* to *West*. For the well disposed Princes on the Continent finding in the reformed Ministers a pragmatistical Spirit that was for modeling the State as well as Church according to their theological Views, adhered, or fell back to the Papal Power, as preferring an ecclesiastical Tyranny they had been accustomed to, before a new one whose Principles threatened an entire Reversement of the established Policies. That I have given no injurious Account of the Conduct of the reformed Ministers I appeal to the great *Grotius*, who in the History of his own Country has exhibited to us a very lively Representation of this whole Scene. Speaking of the Establishment of the reformed Religion by the States, he says,—"Recepta PUBLICÆ disciplina, quæ *Genevæ* & in *Palatinatu Germaniæ* passimque alibi docebatur: hoc tamen interest, quod ejusdem religionis ALII *diversas minus tolerant*: QUIPPE NON IN HOC TANTUM ORDINATAS A DEO CIVITATES AC MAGISTRATUS DICTANTES UT A CORPORIBUS ET POSSESSIONIBUS INJURIÆ ABESSENT, SED UT, QUO MORE IPSE JUSSISSET, EO IN COMMUNE COLERETUR; Cujus officii negligentibus multos poenam, aliorum impietati debitam, in se accersisse. Contra, istæ nationes non modo, &c" \*.

\* *Annales de rebus Belgicis*. L. 2. Anno. 1572.

Nor was *England* altogether free from some of the Effects of this Disorder. For those amongst us who were called *Puritans*, having, during the distressed State of Religion at home, been obliged to reside amongst those foreign Reformers of Church and State, imbibed these ruinous notions of Reformation; and returning home on the approach of better Times, began early to enforce their Whimsies to the Disturbance of their own Country till the great *Hooker* in his immortal Book of *Ecclesiastical Policy* † put a Stop to the epidemic Evil. So that this Spirit of Purity seemed to be quite subdued, it never having appeared from that Time, but towards the Conclusion of our last unhappy Civil Wars; when the famous Mr. *Baxter* took Advantage of

† It is very true that the new modeling ecclesiastical Government was the precise Point agitated in that famous Dispute. But then the *Puritans* contended for that Reformation on Principles that equally concluded for a Reformation in the Civil likewise. And this Mr. *Hooker* well understood when he took so much Pains to overthrow their fundamental Maxim, the *Head theorem*, as he calls it of their Scheme — *That the Scripture of God is in such sort the Rule of humane Actions that simply whatsoever we do and are not by it directed thereunto the same is Sin.* Now who sees not that this Principle, pursued thro' its necessary Deductions brings on a Reformation of the Civil Government upon *Jewish* Ideas. The very Error of the reformed Ministers of that Time. This, as we say, was not hid to the divine Penetration of *Hooker*, and therefore to root it out for ever was the main Reason, I suppose, why in a particular Dispute he goes so far back as to give a long Account of the Original of Laws in general, their several Kinds and their distinct and contrary Natures.---But the best Comment on this *Puritan* Principle are their Actions, when in Power. They once had that Power.---The Consequence is well known.---Themselves seem to be conscious how obnoxious this Principle must make them to the Jealousie of the Civil Magistrate, by publishing, as I am told, Treatises to prove they have forsaken some Principles of their Ancestors.

the

the Dissolution of the Constitution to write his *Book of the Christian Common-wealth.*

II. A second Cause of Error arose from what is called the Establishment of Religion in a State. There never was any Civil-Society, ancient or modern but what had a **RELIGION BY LAW ESTABLISHED.** Which Establishment being founded on a League or Union, between the Civil and Religious Interests, the Civil State lends Part of its coactive Power to the Religious so united: which Society is but too apt to apply that delegated Power to the Support of it self (a full Explanation of which whole Matter will be given by and by.) Now as from this Union one Error which arose was, that the Powers of a Civil Kind which the Religious Society in such Circumstances used, were inherent in it: So those who fell not into this, but saw it was a Power borrowed from the Civil State ran into the opposite. Namely that the restraining of Sin which was aimed at in the Application of the borrowed Power, was one of the natural, essential Tendencies to which the Civil Magistrate as such should direct that his Power. Whereas indeed that Application was only the result of this Union between the Civil and Religious interests.

III. A third Cause of Error was this. That, tho' in many Causes the Effects of the same moral Actions have different Proportions as applied to Civil or Religious Interests, and that the Directions of Civil Laws are indeed generally regulated on the proportioned Effects of moral Actions to the State; yet in many Cases too those Proportions are equal and the same. That is, the whole of the Malignity of an Action, both as a Sin and a Crime is oft equal. In such Case then it could not be seen, by those Laws alone, directed a-  
gainst

gainst such Actions, which was in the Legislator's Intention to punish; the Crime, or the Sin. And therefore the generality concluded both to be within it. Add to this, that the complex Ideas of Sins and Crimes being of very abstract Consideration, and made up of many Ideas common to both, they were not easily distinguishable by the People to be, as they really are, Two distinct complex Ideas, but supposed two Terms of one only, and the same Idea; and so, of course, would be perpetually confounded: Which would very much help forward the Error whose Original and Fountain we are here deducing.

IV. But the last and very general Cause of Error, which we shall assign, was the Magistrate's express and declared Punishment, in his own Right, of some immoral Actions, *as Sins*. Nay he went further, to restrain even speculative Opinions. For we have shewn above that the Support and Propagation of the Three great Principles of natural Religion—the Being of a God—his Providence—and the natural essential Difference of Good and Evil, were in his Care and Jurisdiction. We have observed it was in order to preserve that Sanction necessary to make Civil Compacts binding.—The very Foundation and Cement of Society. And Common-Swearing tending by direct Influence to destroy that Veneration and Reverence for the Deity, whose Being and Providence, on that Account, it was penal to contradict, it was necessary that Laws should be made and enforced against that Sin. Which in effect all States have done. Now the People seeing moral Actions as they regard the Deity and speculative Opinions, which are the Two Parts that make up Religion, in the largest Signification of the Word, under the Magistrate's Care, and not con-



sidering the Reason of this Matter as above explained, concluded that Religion in the whole and in general was under his Cognizance,

## S E C T. V.

**H**AVING thus delivered in as clear and succinct a Manner as I was able, the Nature and End of Civil-Society, together with the Original of those Errors that Men and even States in every Age have been apt to entertain concerning it, I come, as I proposed in the next Place to treat concerning RELIGION. As the End of Civil-Society was to secure the Person and Possessions of every one from the injurious Invasions of others; so the End of Religion is first, to procure the Favour of God, and secondly to advance and improve our own intellectual Nature. As to the first End, namely *the Favour of God*, this, natural Reason assures us one Man cannot procure for another, or hinder him from procuring: But that as Sincerity (rightly understood) is what alone recommends us to his Favour, every one has full Power in himself to procure it, and the Hindrance thereof comes only from himself. It is evident then that Man as a religious Creature had no Occasion to constitute a Society for securing to himself the Favour of God; as he had, as a mundane Creature, to secure to himself the Enjoyment of his Person and Possessions. If therefore as a Religionist he entered into Society it was for a Reason different from that for which as a Civilist he invented a Common-wealth, *i. e.* it was not to secure himself against the Malice of Man. As to the other End, namely *the Advancement and Improvement of the intellectual Nature*—this, we can as easily conceive how a Number of Religious Creatures consociated may advance,

vance, as we can conceive how a Number of mundane Creatures associated may advance and improve by that Consociation, the animal Nature; the secondary End of Civil-Society.

To see the *necessity* of forming this Society we are to consider how the intellectual Nature is improved by Religion.

RELIGION, in the strict and proper Sense of the Word, is a Commerce and Intercourse with the supreme Cause of all Things. Which consisting, in our Parts in suitable Sentiments raised in us by CONTEMPLATION ON HIS NATURE, AND ON THE RELATIONS WE STAND IN TOWARDS HIM the proper and adequate Object of all dependent Beings, must needs advance and improve our intellectual Nature to the height of which it is capable. But now a Question comes across us, whether this Intercourse, as it begins so likewise does not terminate in mental Exercise; and consequently whether Religion be not what *many* seem now disposed to think it, *but a kind of divine Philosophy in the Mind*; that composes only a spiritual and mystical Body, of its Followers. For if this be indeed the Case there is an End of all Religious-Society. Such a Religion being neither capable, nor standing in need of a Community.

To resolve this Question we are to consider that as Religion is an Intercourse with *the universal Cause* it is the Object of all rational dependent Beings. And we can easily conceive a mere mental Religion to be an Object adequate to the Nature of pure immaterial Spirits, of which doubtless there are innumerable Species's within the vast Limits of the Creation. But Man being compounded of Two contrary, tho' uniting, Natures, Soul and Body, it seems necessary, at first Sight, that his Religion, *here*, should partake of the

Character of its Subject, and be composed equally of internal Meditations and outward Acts and Offices. But this Necessity will be made most evident by reflecting on his Nature resulting from this Composition, and the Circumstances in which he is placed. To fit us to the Station here assigned us it was seen convenient, as we find by Experience, that the Passions of the Mind should be greatly influenced by the corporeal Temperament: In which, likewise, the intellectual Faculties should be so enveloped as to render vain all Attempts of emancipating ourselves from Matter, while our Business was in this gross corporeal World. Now how unfit such Beings are for a mere mental Religion is seen to every one. Experience likewise has constantly confirmed it. For whenever Men by a mistaken Aim at Perfection, have in their religious Performances endeavoured to defecate the grossness of Sense, and soar up into the Regions of pure Ideas, it has been found that just according to the Difference of the bodily Constitution so has been the Consequence and Issue. For if Cold and Phlegmatic, their Religion has sunk into Indifferency and Disgust; or if bilious or sanguine it has flown out into Fanaticism or Enthusiasm. But further, our Station and Circumstances here, contribute to render our natural Incapacity for such mental Religion still more invincible. The Supply of the Necessities and Conveniencies of Life, thro' all our Inter-courses, for the Satisfaction of those Necessities and Conveniencies, subjects us to perpetual Converse with the most gross, sensible, and material Objects. But this Converse induces Habit. And of what force Habits are in keeping the Mind bent their Way, and how obstinately they adhere when we endeavour to get free of them is known

known to all. Now these are Habits so opposite, so averse to, so incompatible with mental Contemplation; and render us so totally inept for this ideal Employment, that, to do even so much that Way as the very Essence of Religion requires, we must bribe Sense and Matter, and draw it to assist us, in the Acts of Religion, against it self. If we add to this that the common People, which composes the gross Body of Mankind, and for every one of which Religion is intended, are by their Station and Employments both by Nature and Converse, most immersed in Matter, we shall need no further Proof that a mere mental Intercourse with God which makes Religion only *a divine Philosophy in the Mind* is altogether unfit for such a Creature as Man in his present Station here.

But supposing all these Impediments, to ideal Devotion, away. Yet if Man be not so far spiritualised as to give and receive an intuitive Knowledge of one another's mental Acts of Religion still such a Religion would not fit him. Because it is essential to the due Exercise of Religion that open Profession of it be made so as to be seen by others. For, the same Reason which tells us it is our Duty to acknowledge all the Relations we stand in towards God, tells us it is equally our Duty to make those Acknowledgements Public. Again, of those Blessings Providence bestows upon us, some are to the Individual, and others to the Species in common. Now as return of Thanks is due from each Individual for the Blessings he has received in particular; so Reason requires that for those bestowed on the Species in common, a joint Return should be made by as many of the Species together as can conveniently assemble for Religious Worship.

From



From what has been said then it follows, that such a Religion as is suitable to the Nature of Man, here, must have the Meditation on the divine Nature drawn out into ARTICLES OF FAITH; and the Meditation on our several Relations to him, into suitable and correspondent ACTS OF RELIGIOUS WORSHIP; and both of them to be professed and performed in COMMON. Which Things, as we shall now shew, require the Aid of a SOCIETY to establish, regulate and preserve.

1. Opinions concerning the Nature of the Deity so entirely influence all Religious Practice that *this* invariably takes its Character from *those*; and becomes more or less perfect as *those* are nearer to or further from the Truth\*. On which Account the greatest Care is to be taken in preserving those Opinions pure and incorrupt. But this cannot be done without a Society. Which will enough appear by the very mention of those Two ways that every such Society has always put in Practice. 1. By reducing their Belief into one common Formulary. And 2. By making the Profession of that Formulary the Terms of Communion. For by this Means there is a summary of Belief in Aid of the Ignorant; and a common Repository that may be always had Recourse to for Information. Where it is to be observed, that the more general the Terms of Communion are, and the wider the Bottom is made, (consistent with the well being of a Society) the wiser and juster is that Institution.

2. The several Acts of Religious Worship are correspondent to the Sentiments arising in us from the Meditation on the several Relations we stand in towards God, with Design to Aid and

\* See Plato's Euthyph.

improve those Sentiments. Now as Meditation, without these outward Acts, is apt, as we have shewn, to fly out into *Enthusiasm*; so outward Acts of Religion not regulated by, and correspondently adapted to those Sentiments, are as subject to degenerate into a childish unmeaning Superstition. Which, how much it depraves all the Faculties of the Mind, as well as dishonours the Service of our Maker, is disputed by none acquainted with the Nature and Effects of this direful Evil. The greatest Care therefore is to be had that these Acts be preserved simple, decent, and significative. But this can be done only by providing Persons set apart for this Office; whose peculiar Employment it shall be to preside in, direct and superintend the Acts and Offices of Religion, lest any Thing childish, prophane, or superstitious should (as it certainly would, if left to every ones Fancy) obtrude themselves into them. Now public Officers and Ministers must act by some common Policy, which may regulate and settle their several Employments, Powers, and Subordinations. But that Policy is no other than the Laws of a Society properly so called.

I. Religion thus composing a Society, we are now to consider what Kind a one it is. First then this Society must needs be *Sovereign, and independent of the Civil*. Natural Dependency of one Society on another, must arise either from the *Law of Nature* or of *Nations*. Dependency by the Law of Nature is from *Essence*, or from *Generation*. Dependency from Essence there can be none here. For this Kind of Dependency being a Mode of natural Unity and Coalition; and Coalition being only where there is found a Coincidence or Agreement in *eodem tertio*, and there being no such Agreement between Two Societies  
essen-

essentially different, there can possibly be no Dependency. For that Civil, and Religious Society are essentially different is evident from their having different Ends and Means. The ultimate End of one being the Care of Souls, and *that*, of the *other*, of Bodies. And the Means of the one being by external Actions, and that of the other by internal.

Dependency that arises from Generation is where one Society springs up from another, as Corporations, Colleges, Companies, and Chambers in a City. These as well by the Conformity of the End and Means, as by their Charters of Incorporation, betray their Original and Dependency. But Religious Society, by Ends and Means quite different, gives us internal Proof of its not arising from the State, and, by external, we can evince that it existed long before the State had any Being. Again no Dependency can arise from the Law of Nations or the Civil-Law. Dependency by this Law is, where one and the same People composing Two different Societies, the *Imperium* of one Society clashes with the *Imperium* of the other. For in such Case the lesser Society becomes, by that Law, dependent on the greater: Because the being independent on one another, which makes that great Absurdity in Politics called *Imperium in imperio*, is immediately and surely destructive to Society it self. But now Civil, and Religious Society having, as has been shewn, Ends and Means entirely different, and the Means of Civil-Society being coercive Power, which Power therefore the Religious consequently hath not, it follows that the Administration of each Society is exercised in so remote Spheres that they can never possibly meet to clash; and those Societies which never clash, Necessity of State.

State can never bring into Dependency on one another.—Thus have we proved the Church independent of the State.

Indeed was the common Opinion, which we have been at some Pains in confuting, true, that the Magistrate's Office extended to the Care of Souls, then it would follow, from what we have said of Dependency from *Essence* and *Generation*, that the Religious Society was subservient to, and a Creature of the State. For then it could not be reasonably conceived constituted but by the Magistrate; and constituted by him for no other End than to serve him and help him out in the Discharge of his Office; who might have endowed his Church in its Constitution with what Powers he thought proper. *Hobbes* and his Followers pushed this Matter home. They supposed that if indeed there was any Soul to be taken Care of, that Care naturally devolved upon the Civil Magistrate; who, by Delegation, might transferr it on proper Officers, commissioned by him to model, and bear Rule in, a Church. And because some Body or other at that Time chanced to think that the People were the Keeper of the King's Conscience, he, who above all Things loved Contradiction, would needs have it that the King was the Keeper of the People's.

On the other Hand, did the Care of the Religious Society naturally extend to the Body and its Concerns, then would the State run great Risque of becoming dependent, and a Creature of it. For Religious Society having the noblest Province the Care of Souls, and the most extensive when the Care of Bodies is joined thereto, and pretending for the most Part, and sometimes really having, a divine Original, while the State has only a humane one; as much as the spiritual



Part excels the corporal, and the whole only one Part, and far as divine Authority transcends humane, so high would the Superiority of the Religious Society be deemed above the Civil. And that Superiority which the Church would thus claim as of *Right* she would find within her self a *Power* to maintain. For the Care of Bodies necessarily implies an inherent coercive Power in whatever Society that Care is found.

And in effect these Conclusions have been long ago reduced to Practice under the Christian Religion. For the Church of *Rome* having entertained this extensive Idea of a Religious Society, she has, consentaneously thereto, exalted *the Chair Apostolic* far above the Thrones of earthly Potentates, of whom she has required and received Homage, and once bid fair for making that Homage universal. For she would persuade us, as it should seem, that when *Jesus* said, *His Kingdom was not of this World*, that he had before transferred it, with the Keys of the other, to *St. Peter*.

But this however is worthy our Observation, that as different Ways as the Hobbieft and Papist look, in Speculation, they tend to one and the same Point in Practice. For tho' the *one* would have the Magistrate discharge his Office only as Executioner of the Church, and the *other* authorizes him to use his Power as the Maker and Creator of it; yet they concur in teaching it to be his Right and Office to domineer over Conscience.—What they differ in, is only a Point of Ceremony.

II. Secondly we come now to shew *that this independent Religious Society hath not, in and of it self, any coactive Power of the Civil Kind*: Its inherent Authority and Powers being in their Nature

Nature and Use entirely different from those of the State. For if, as hath been proved, Civil-Society was instituted for the Attainment of one Species of Good, all other Good, requisite to humane Happiness, being to be attained without that Institution; and that Civil-Society attains the Good for which it was instituted by the sole Means of coercive Power, then it follows that the Good which any other Kind of Society seeks may be attained without that Power. Consequently, coercive Power is unnecessary to a Religious Society. But that Means which is unnecessary for the Attainment of any End is, likewise, unfit, in all Cases but in that where such unnecessary Means is supplied by other of the same Kind or Species. But Religion attains its End by Means of a different *Kind*; therefore coercive Power is not only unnecessary but unfit. The Reason is plain, because that End which is attained by Means of a different Kind from this *unnecessary Means*, shews it self to be of a Nature contrary to that End which is attained by this *unnecessary Means*; and Ends in their Nature contrary can never be attained by one and the self same Means, which, if fit for one must needs be unfit for the other. But this may appear more evident, perhaps by illustrating these general Principles by the Case in Hand. Coercive Power can only influence outward Practice; by outward Practice only is the Good Civil-Society aims at immediately affected; therefore is coercive Power peculiarly fit for Civil-Society. But the Good Religious Society ultimately aims at cannot be affected by outward Practice, therefore is coercive Power altogether unfit for that Society.

But here it may be objected that tho' indeed outward Practice does not affect Religion, as it is the Object of each Individual, yet it does affect Religious Society. *Salvation of Souls* being the End of Religion, but *Purity of Worship* the End of Religious Society. Now Purity of Worship is affected by outward Practice and to outward Practice is coactive Power fitly applied.—

To this we reply, that Purity of Worship is the immediate End of Religious Society and Salvation of Souls the ultimaae End thereof. Consider then Religious Society with regard to its ultimate End, and all we have said above, of the Unfitness of coactive Power holds good.—Consider it, with regard to its immediate End, the Promotion of Purity of Worship, and then indeed there will appear no Unfitness in the Application of coactive Power. Thus do we gain by the Objection a Concession that we must otherwise have demanded as the Foundation of a Claim we always reserved to ourselves to make in Favour of Religious Society, which was, that it hath in it self, the Power of expelling refractory Members from its Body, or in other Words *a Right of Excommunication*. For, this Exception we always had in mind when we maintained that a Religious Society had no inherent coactive Power. It only therefore remains to prove that this coactive Power is usefully and necessarily applied,—that it is all which Religious Society stands in need of,—and that more is unfit and unjust.

As the immediate End of Religious-Society is Purity of Worship, and as a necessary Means of preserving that Purity is *Uniformity of Worship*, which Uniformity cannot be maintained but by expelling from the Community all who refuse to conform to the public Worship, therefore is this Power

Power of Expulsion, in every Religious Society, most fit and useful. But we will go further, and venture to affirm, that every Kind of Society, whatever be its End or Means, must necessarily, as it is a Society, have this Power of Expulsion; a Power inseparable from its Essence which consists in the Conformity of the Will of each natural Member to the Will of that artificial Body which Society produces. Which Conformity destroyed, as it must be without the Expulsion of the Disturbers of it, the Society dissolves and falls back again into nothing. Just as would the natural Body, did not Nature, whose Conduct Societies in this Case imitate, evacuate noxious and malignant Humours. But then, secondly, this so useful and necessary Power is all that a Religious-Society stands in need of. For by the Exercise of this Power, Conformity in Will and in Worship is preserved; which, securing its Essence and End, is all that is necessary to the well being of Society. But further, in the last Place, more Power than this, in Religious Society would be both unfit and unjust. That it is unfit we prove thus. The immediate End of Religious Society being Purity of Worship it requires outward Conformity thereto, and at the same Time its ultimate End being the Salvation of Souls, it requires likewise that this outward Conformity be accompanied with a suitable internal Disposition of Mind. But any further Power than simple Expulsion tends naturally to make a Divorce between these Two Things. For such further Power forces, more or less, to *outward* Compliance with the Community; but as the Will cannot, at the same Time, be thus forced, here is likely to be only outward Compliance without a suitable internal Disposition. So that by this Means the ultimate End of Religious Society



Society becomes defeated. Further Power therefore than simple Expulsion is unfit. That further Power is unjust appears from hence. By the Law of Nature every Man has a Right of worshipping God according to his own Conscience. Now when it happens that a Member of a Religious Society cannot conscientiously join in the public Worship, and be on that Account expelled by the Society, in order to preserve its Essence and End, such Member is so far from being debarred, by that Expulsion, of his Right of worshipping God according to his own Conscience, that he is, thereby, put into a Way of exercising his Right. But if any further Power be allowed, either of keeping such Member in the Society, against his Will; or of annexing to Expulsion any Detriment to his Person Goods or Reputation; in such Case, the Right of Nature is most scandalously violated; a Force being put upon his Conscience, either by direct Restraint, or by obliquely biasing the Determination of his Will. All coercive Power therefore, further than simple Expulsion, is unjust.

But it will be again urged perhaps that in thus removing one Objection we have made room for another. Which is this, — That by granting a coercive Power to the Church, for such is the Right of Excommunication, we destroy the Argument we before brought of her Independency by the Law of Nations. Which Argument is founded on her having no coercive Power which, clashing with the State's, brings in an *Imperium in Imperio*; to remove which, that Law prescribes her Dependency. Now to this too we have a ready Answer, — We say, that Civil-Society having no Right to reward any of its Members by Admission into a Religious Society, nor no Right

to punish by excluding from it, the Churches Exercise of this Power can never possibly clash with the State. And consequently that Argument for Independency stands its Ground.

We are now come round, and have at length demonstrated what in the beginning of this Section we had asserted, that Religious Society hath no coercive Power of the *Civil Kind*; for we have shewn that this Power of Expulsion is not a Power which the State can exercise.

Nor does the Denial of coercive Power make the Church an enervated defenceless Body, exposed either to the Insults of those without, or those within. It has still all the Power and Authority that as a Religious Society it can exercise; all that is necessary to preserve it a regular well ordered Society; in which are Rites and Ceremonies, Ministers with Degrees of Subordination, and judiciary Assemblies. For the Power of constituting a Discipline and enjoining a Formula of Communion, enforced by Excommunication, will still be left to it. What hath made some well-meaning Men apprehend terrible Consequences from the Church's being thus left without the Guard of coercive Powers, is their seeing it stand possessed of some Advantages, by them, imagined essential to a Church, which coercive Power only can secure. But these may be eased of their Apprehensions, by being told, that those Advantages are only adventitious, and bestowed upon it by the State in consequence of an Union; and as the State granted these, it granted coercive Power likewise to defend them. And that when the Union is dissolved they both fall together, without any essential Damage to the Church, as a Religious Society.

Thus have we endeavoured to establish these Two great essential Characters of a Religious Society

ciety — its *Independency* and its *Disclaim of coactive Powers*. Where it is worth observing that the Arguments we have made use of to prove each of these Characters, are strongly enforced by the necessary Connection there is between them both. For admit the Religious Society to be *independent* and you invincibly destroy all Pre-*tence to coactive Power*; because coactive Power introduces an *Imperium in Imperio*, which is removed only by destroying the *Independency*. — Admit, that Religious Society has *no coactive Power* and you quite supersede all the State's Claim of *Dependency*; which Claim is solely founded on the Evil of an *Imperium in Imperio*, which Evil can arise no otherwise than by the Church's Exercise of an inherent coactive Power. And yet these plain, and, almost, self evident Principles have had so ill a Reception in the World, particularly in our own Country, that they have been left and neglected, while there has risen up amongst us Two very different Systems of Church Government, that, now, divide the generality of Suffrages between them. Different, I say, not only from ours, but from each other, yet agreeing in this, to make an unnatural Divorce of the Two essential Characters, which, we have shewn, have an inseparable Connection in Nature. The *one* giving the Church intrinsic coactive Power and not contending for its *Independency*; and the *other* stripping it of all such Power and yet maintaining its natural *Dependency*.

The first of these Systems is that of the *high-Church-Clergy*, which contends for the absolute *Independency* of the Church with all the *Prerogatives and Powers* it is found to stand possessed of under an Establishment. If this Error be not sufficiently exposed already, the shewing, as

I shall

I shall do presently, how the Church became possessed of several of its Prerogatives and Powers, now legally enjoyed by it, will, we hope, abundantly evince it. I will only observe, that this Scheme, if indeed it be not the true Papistical System, a little disguised, is infinitely more irrational than that. Because a Church with inherent coactive Power, that, with a false Modesty stops at mere Independency, gives a Scheme attended with all the Evils of *Imperium in Imperio*, which, the going one Step further, and taking the State into Pupilage and Protection, will remove, backwards or forwards it must needs go; for a Church, so circumstanced, in order to avoid those Evils, which neither Gods nor Men can bear, must fall into the State, or the State into it. This the Court of Rome plainly saw and therefore chose the better Part. And a Pretence they wanted not, for an inherent coactive Power in the Church necessarily implying a Care of Bodies as one of the Ends of that Society, for to Bodies only can coactive Power be rationally applied, States employed in the same Care, might be fairly understood as only doing *Journey-Work* for the Church. Thus that refined Court chalked out no wild Plan of Power, when, together with the Thunder of the Vatican, it forged Chains for the western World.

The other System is that invented by, and I could well wish to be peculiar to the Enemies of our holy Faith. At the Head of which stand the Two famous Authors of *the Rights of the Christian Church* and of *the Independent Whig*. The true Design of these Books is evidently this, to persuade us that the Christian, and all other Churches, in their natural State without coactive Power, are Creatures of the Civil Magistrate. For while the pretended Drift be to shew from whence an



established Church receives its coactive Powers, the Arguments they employ conclude against its natural Independency in any Sense whatsoever. But it is pleasant enough to observe the Two contrary Routs this noble Pair of Athletes have thought fit to take, to arrive to the same Point. The Author of *the Rights* comes first.

“ *At, quum aspicias tristem, frugi censeas.*

He has taken up the Argument of *Hobbes*, and affects the most tender Concern for the Good and Happiness of the State. So that whenever a Church comes in his Way he falls upon it with his famous Battery of *Imperium in Imperio*. But, in this, less honest than that unlucky Philosopher. *Hobbes* owned the Tendency of this Argument; and enforced it for the Sake of that avowed Tendency. But this Writer seems willing you should believe that it concludes only against a Jacobite Clergy. The Writer of *the Independent Whig*, who, it must be owned, has more Vivacity than his Brother, is for quicker Dispatch. His ready Road led him on to the Destruction of all Church Officers and the very Being of a Ministry. Which, that he might the easier bring about, he has represented all public Rites and Assemblies for Worship as useless and impertinent, by shewing the natural Inefficacy of Prayer for obtaining our Petitions; which again, for to do him Justice he is very consequential, he establishes on the Doctrine of Fate.—This he well saw would bring on a thorough Dependency. A Dependency that was like to last, as being produced by the Dissolution of the Society it self. And yet has he the honest Assurance, after all this, to talk of the Church as of a Society. But a Society without Officers, Degrees of Subordination, and Powers adapted

adapted to its Nature, being quite as unintelligible, inconsistent an Idea as a House without Walls, Roof, or Apartments, we must conclude that he who so talks intends to give us a Society in Words and deprive us of it in fact.

In a Word, I don't know a greater Insult ever put on the Understandings of Mankind than by these Two Writers; while it was imagined that the Gloom of Equivocation, which spreads it self over the methodic Chapters of the one; and the Flash of false Eloquence that glares thro' the airy Essays of the other, could hide their true End from the Observation of *those* whose Destruction they were conspiring. For as *Tully* says of the Two Assassins Gladiators—"Par est improbitas, eadem impudentia, gemina audacia; & ubi, Quirites, multa audacter, multa improbè, multa perfidiosè facta videtis, ibi *scelus* quoque latere inter illa tot flagitia putatote\*."

On the whole then how different soever these Jacobite, and Free-Thinking System-Framers would have their Notions thought from Popery and Atheism, they are unavoidably drawn, by the Alacrity of their own Heaviness, in to the very Centers of *Malmshury* and *Rome*, from whence indeed they derived their Birth, but are, I know not why, ungraciously ashamed of their Pedigree.

\* Orat. pro Sex. Rosc. Amer.



## PART II.

*Of an Established Church.*

## SECT. I.



AVING now dispatched the first Part of this Inquiry, and shewn,

I. The Origine of Civil Society, —the natural Deficiency of its Plan, and how the Influence of Religion only can supply that Defect.

II. How all natural and moral Goods, and consequently *this* of Religion to the State, may be improved by humane Art and Contrivance, together with the Necessity there is of *seeking* this Improvement. And

III. As this depends on an exact Knowledge of a Civil and of a Religious-Society, how to judge of their *distinct* Natures and Ends; we are at length enabled to shew how this Improvement is to be made.

For having by a diligent Inquiry found

I. *That the Care of the State extends only to the Body and its Concerns, and the Care of the Church only to the Soul*, it necessarily follows, that the

Civil

## 3

### Of an Established Church. 53

Civil Magistrate if he will improve this natural Influence of Religion by humane Art and Contrivance, must seek some UNION OR ALLIANCE with the Church. For his Office not extending to the Care of Souls, he has not in himself, a Power of inforcing the Influence of Religion: And the Churches Province not extending to the Body, she has not, in her self *alone*, a Power of applying that Influence to Civil Purposes. The Consequence is, that their joint Powers must be employed thus to inforce and apply the Influence of Religion.—But they can never act conjointly unless in Union and Alliance.

II. Having found that *each Society is Sovereign, and Independent of the other*, it as necessarily follows that such Union can be produced *only* by FREE CONVENTION AND MUTUAL COMPACT. But nothing can give Birth to a *free Convention* but a Sense of mutual Wants, that may be thereby supplied; or a View of mutual Advantages, to be thereby gained. *Such*, then, is the Nature of that famous Union which produces a CHURCH BY LAW ESTABLISHED, and which is indeed no other than a *politic League and Alliance for mutual Support and Defence*. For the State not having *the Care of Souls* cannot, it self, inforce the Influence of Religion, and therefore seeks the concurring *Aid of the Church*; and the Church having *no coercive Power*, (the Consequence of its Cares not extending to Bodies,) as naturally flies for *Protection to the State*. This being of that Kind of Alliance which Grotius calls FOEDUS INÆQUALE. — “*Inæquale foedus, say he, hic intelligo quod ex ipsa vi pactiois manentem prælationem quandam alteri donat: Hoc est ubi quis tenetur alterius imperium ac Majestatem confer-*



## 54 *Of an Established Church.*

“ conservare—UT POTENTIORI PLUS HONORIS,  
“ INFERIORI PLUS AUXILII DEFERATUR \*.

From whence it appears, that were those common Notions true, which we have so much laboured to confute concerning the Nature of a *Church* and *State*, there could be neither *Room*, nor *Motive* for this Alliance. Were they not *independent on each other* there would be no *Room*; because Freedom of Will, the very Essence of this Alliance, would be wanting on one Part: And had the *State the Care of Souls or the Church the Care of Bodies*, there could be no mutual Motive; for, in such Case, the State might apply Religion by its own Authority to Civil Purposes; or the Church, having, in Consequence of the Care of Bodies, an inherent coactive Power, might *alone* provide for its own Security.

An Alliance, then, by *free Convention*, being in its Nature *such* that each Party must have its Motives for compacting, our next Inquiry will be

I. What those Motives were; which the State had of *seeking*, and the Church, of accepting the Offers of an *Union*; and

II. The mutual Benefits and Advantages thereby gain'd. By the first Part of which Inquiry, we hope to make it appear, *that this Alliance was indispensably necessary for securing the well Being and Happiness of Civil Society*: And by the second, *that no common Right of Mankind, Civil, or Religious, is thereby impeached*. To demonstrate which is the principal End of this Discourse.

### SECT. II.

**T**He Motives the State had to *seek* this Alliance were of three Kinds.

\* De jure Bell. & Pac. L. 1. C. 3. § 21.

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I. To preserve the Essence and Purity of Religion.

II. To improve its Usefulness and apply its Influence in the best Manner.

III. To prevent the Mischief that, in its natural independent State, it might occasion to Civil Society.

I. *The State was induced to seek this Alliance as the necessary Means of preserving the Being of Religion amongst its Members.* For tho', as we have shewn, Religion constitutes a Society, and that this Society will indeed, for some Time, support the Existence of Religion, which without constituting a Community would be soon lost and vanish from amongst Men: Yet, if we consider that this Society is composed of the same Individuals which compose the Civil, and destitute of all coercive Power, we must needs see that *such* a Society, abandoned to its own Fortune, without Support or Protection, would, in Time, be swallowed up and lost. Nor can we reasonably hope that this Danger might be averted, by that inherent Power, we have shewn, to be in the State of restraining the Oppugners, of the *three fundamental Principles of natural Religion*; because that Power could only prevent those Principles from being *directly* depraved or subverted; not, from gradually decaying and vanishing into nothing. Of this Opinion was a very able Writer, whose Knowledge of humane Nature was unquestionable—  
“ Were it not (says he) for that Sense of Virtue  
“ which is principally preserved, so far as it is  
“ preserved, by NATIONAL FORMS AND HABITS  
“ of Religion Men would soon lose it all, run  
“ wild, prey upon one another, and do what  
“ else the worst of Savages do” \*.

\* Wollaston's *Relig. of Nature delin.* P. 124.

But

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But of whatever use an Alliance may be thought for preserving the *Being* of Religion, the Necessity of such an Alliance for preserving the Purity of it is most evident. For if Truth and public Utility coincide, the nearer any Religion approaches to the Truth of Things the fitter that Religion is for serving Civil Society.—That they do coincide, may be demonstrated on any Principles but the Atheistic, and therefore we think it needless, in this Place, to give the Proof in Form. Let us then consider the Danger Religion runs, when left in its natural State to it self, of deviating from Truth. In those Circumstances the Men who have the greatest Credit in the Church are such as are famed for greatest Sanctity. Now *Church Sanctity* has been generally understood to be then most perfect when most *estranged from the World*, and all its Habitudes and Relations. But this Species of Sanctity being only to be acquired by Secession and Retirement from humane Affairs, and that Secession rendering the *body Man* ignorant of Civil Society and its Rights and Interests; in Place of which will succeed, according to his natural Temper, all the Follies of Superstition or Fanaticism, we must needs conclude that Religion under such Directors and Reformers (and God knows these are generally its Lot) will deviate from Truth, and consequently a Capacity, in proportion, of serving Civil Society. I wish I could not say that we have too much of Fact to support this Speculation. The Truth is, we have seen, and yet do see, Religious Societies, *some* grown up, and continuing unsupported by, and ununited with the State, *others* that, when supported and united, have by strange Arts brought the State into Subjection and become its Tyrants, and thereby *defeated* all the Good that can

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can arise from this Alliance; such Societies, I say, we have seen, whose Religious Doctrines are so little serviceable to Civil Society that they can prosper only on the Ruin and Destruction of it. Such are those which preach up the Sanctity of Celibacy, Asceticism, the sinfulness of defensive War, Capital Punishments, and even Civil Magistracy it self.

On the other Hand, when Religion is in Alliance with the State, as it then comes under the Magistrate's Direction; (those holy Leaders having now neither Credit nor Power to do Mischief,) its Purity must needs be reasonably well supported, and preserved. For, Truth and public Utility coinciding, the Civil Magistrate, as such, will see it to be his Interest to seek after, and promote Truth in Religion: And, by Means of public Utility which his Office enables him so well to understand, he will never be at a Loss to know where such Truth is to be met with. So that it is impossible under this Civil Influence that Religion should ever deviate far from Truth. Always supposing, for on such Supposition this whole Discourse proceeds, a legitimate Government or Civil Policy established on the Principles of the natural Rights and Liberties of Mankind. For an unnatural and unjust Government which seeks not public Utility, but its own, will always have occasion for Error, and so must corrupt Religion to serve its own wrong Interests. And this to take Notice of it by the way was one great Cause of the monstrous Corruption of Religion in ancient Paganism.

II. Secondly, *The State was induced to seek this Alliance as the necessary Means to improve the Usefulness and to apply the Influence of Religion in the best Manner.* And this it does several Ways.

I

1. By



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1. By bestowing additional Reverence and Veneration on the Person of the Civil Magistrate; and on the Laws of the State. For in this Alliance, where the Religious Society is taken under the Protection of the State, the supreme Magistrate, as will be shewn hereafter, is acknowledged *Head of the Religion*. Now nothing can be imagined of greater Efficacy for securing the Obedience of the People. Those two consummate Masters in Politics, *Aristotle* and *Machiaval*\*, thought it of so great, as to be sufficient to gain Respect and Security to a Tyrant. Hence it is that we have seen them, in several Ages, make Use of several Arts to procure, to their Persons, this Veneration. Sometimes by pretending to a *divine Original* and the *Gifts of healing*; at others assuming the *Sacerdotal Office* or the *Interpretation* of the Will of the Gods. If then it has this Virtue to gild over these Monsters, how great must we suppose its Efficacy on a legitimate Magistrate. The same Veneration will extend it self over the *Laws* likewise. For while some of them are employed by the State to the *Support of the Church*, and others *lent* to the Church to be employed in the *States Service*, and all of them enacted by a *Legislature in which Church-Men have a considerable Share* (all these Things being amongst the Conditions of Alliance, as we shall see presently) Laws under such Direction must

\* Ετι ὅ τὰ πρὸς τοὺς θεοὺς φαίνεται αἰὲν ἀποδείξοντα διαφροσύνην, ἥτις ἐν τῇ πόλει φερεῖται, καὶ παρὰ τὴν τὴν παρὰ τὸν λαόν, ἡ δὲ τοιαύτη, ἡ δὲ διανοούμενα νομίζουσιν ὅτι τὴν ἀρχὴν καὶ φρονίμους τὴν θεῶν. Καὶ ἡ πειθαρχία ἥτις ἐν τῇ πόλει, ὡς συμμαχία ἔχοντι καὶ τοὺς θεοὺς. Polit. l. v. c. 12.—Et non à cosa più necessaria à parere d'havere, che questa ultima qualita [religione] perche gli huomini in universale giudicano più à gli occhi che alle mani, perché tocca à vedere à ciascuno à sentire à pochi. *Del Principe* Cap. 18.

need only,

needs be attended to, with a more sacred Regard.

2. By lending to the Church a coactive Power.—It may be remembered, that in speaking of the innate Defects in the Plan of Civil Society, we observed that there were several Sorts of Duties that Civil Laws could not enforce. Such as the Duties of *imperfect Obligation*, which a Religious Society, when endowed with coactive Power to invigorate the Influence of Religion, is capable of exacting. And *such*, likewise, of the Duties of *perfect Obligation* whose Breach is owing to the Intemperance of the natural Passions. The severe Prohibition of which Breach threatens Evils greater and more enormous. For while these violent Passions overflow, the stopping them in one Place is the causing them to break out with greater Violence in another. As the rigorous Punishment of Fornication has been generally seen to give Birth to unnatural Lusts. The effectual Correction then of such Evils must be begun by moderating and subduing the Passions themselves. But the Civil Laws are not understood to prescribe, as punishing those Passions, only, when they proceed to act, and not rewarding the Attempts to subdue them. It must be a Tribunal regarding irregular Intentions, as criminal, which can do this, and that is no other than the Tribunal of Religion. When this is done, a coactive Power of the Civil Kind may have a good Effect, but not till then. And who so fit to apply this coactive Power, in such Cases, as that Society which fitted and prepared the Subject for its due Reception and Application? Again, we have observed, that the State punishes Deviations from the Rule of Right, as *Crimes* only, and not as such Deviations, or as *Sins*.

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And on that firſt Idea only proportions its Pun-  
iſhments. By which Means ſome very enormous  
Deviations from the Rule of Right which do not  
*immediately* affect Civil Society, and ſo are not  
conſidered as *Crimes*, are overlooked by the Civil  
Tribunal. Yet theſe, as we have proved, are,  
*mediately*, highly pernicious to the State, and  
therefore, it is for its Interests that they ſhould  
be brought before ſome Tribunal which can com-  
modiouſly take Cognizance of them. But, be-  
ſides the Civil, there is no other but the Eccleſia-  
ſtical endowed with coactive Power. Hence may  
be deduced the true and only End, and Uſe, of  
SPIRITUAL COURTS. A Church Tribunal, then,  
with coactive Power, being neceſſary in all theſe  
Caſes, and a Religious Society having, in it ſelf,  
no ſuch Power, it muſt be borrowed from the  
State. But a State as we ſhall ſee cannot lend it,  
without riſqueing its own Deſtruction, *but* on the  
Terms of an Alliance; therefore will a State be  
induced to ſeek this Alliance in order to improve,  
by this Way, the natural Efficacy of Religion.

3. By conferring on the State the Applica-  
tion of the Efficacy of Religion, and by putting  
it under the Magiſtrate's Direction. There are  
peculiar Junctures when the Influence of Religion  
is more than ordinary ſerviceable to the State,  
and theſe the Civil Magiſtrate only knows. Now  
while a Church is in its natural State of Indepen-  
dency, it is not in his Power to improve thoſe  
Conjunctures to the Advantage of the State, by  
a proper Application of Religion. But when the  
Alliance is made, and conſequently the Church  
under his Direction, he has in himſelf Authority  
to preſcribe ſuch public Exerciſes of Religion, (as  
Days of Humiliation, Faſts, Feſtivals, Exhorta-  
tions and Dehortations, Thankſgivings and De-  
precations,

precations, &c.) and in ſuch a Manner as, he finds, the Exigences of State require ‡.

4. By engaging the Church to apply its utmoſt Endeavours in the Service of the State. For an Alliance laying an Obligation on the State to protect and defend the Church, and to provide a ſettled Maintenance for its Miniſters, ſuch Benefits muſt needs produce the higheſt Love and Eſteem for the Benefactor; which will be return'd out of Motives both of Gratitude and Intereſt, in the moſt zealous Labours for the States Service.

III. And laſtly, the State was induc'd to ſeek this Alliance as the only Means of preventing the Miſchiefs that, in its natural independent State, it might occasion to Civil Society. For in that State the Church having in it ſelf a Power of aſſembling for Religious Worſhip, *ſeditious Men* might commodiouſly take thoſe Opportunities of hatching and carrying on Plots and Cabals againſt the Peace of Civil Society. And the Influence popular and leading Men gain over the Conſciences of ſuch Aſſemblies, by Means of the Frequency of public Harangues, may eaſily ripen theſe Contrivances into Act, when ſtrengthened with the ſpecious Pretext of Religion. All which Evils are entirely prevented by this Alliance. For then the Civil Magiſtrate being become Protector of the Church, and conſequently ſupreme Head and Director of it, the Miniſtry is wholly in his Power. He admits and excludes to the Exerciſe of their Function as he ſees fit. And grants it to none but thoſe who give a previous Security

‡ See the ſcandalous Squabbles between the Civil Magiſtrate and the Church, concerning the Exerciſe of this Power, in the Hiſtories of the Presbyterian Church of Scotland.



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for their Allegiance to him. By which Means all that Power and Influence which the Ministers and Leaders in a Church had over it before the Alliance, *as the Protectors of Religion*, is now drawn off from *them*, and placed *solely* in the Civil Magistrate. The View of these Mischiefs from a Church in its natural State of Independency, so terrified *Hobbes*, and his Followers, that they denied such natural State; and contended for the Magistrate's *natural* Right of Dominion and Supremacy over the Church, its Servant and Creature. Which is a Conclusion just as agreeable to the Law of Nations as it would be in a State, alarmed at the growing Power of a Neighbour State, from which Power a likely Mischief might be suspected, to think it had a Right, in order to prevent that Mischief, of endeavouring the Conquest and Subdual of such suspected State. But Reason and Justice point out the true Remedy, which is, to prevent the Mischief by *League and Alliance*. The same should be done in the Case before us. And were not Men unreasonably prejudiced against a *Church* they would see the Case to be the same. Indeed when there is, in the *legitimate* Exercise of one Dominion, a direct and necessary Tendency to the Damage of the other, during the Independency of Two different Societies composed of one and the same People, *then*, the *Law of Nations* prescribes the less to be dependent on the greater. But, as Religious Society has been shewn to have nothing in the *legitimate* Exercise of its Sovereignty that can clash with Civil Power, tho' it be, indeed, so liable to be *abused* as to make it of infinite Interest to the State to prevent the Abuse, we conclude, that its Dependency on the State, the only Means of Prevention, can be brought about

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no otherwise than by an *Alliance* between the two Societies on the Foot of a *free Convention*.

Another Mischief there is still more certain and fatal, whenever above one Religion is found in a State; which an Alliance only can prevent. For every Sect, or Church, thinking it self alone the true, or at least the most perfect, is naturally pushed to the advancing its own Scheme on the Ruin of all the rest. So that if this succeeds not by *Dint of Argument*, they are apt to have Recourse to *Civil Power*. Which is done by *introducing a Party into the public Administration*. And, we find, they have been but too successful in the Art of making the State believe that *its* Interests are much concerned in these Religious Differences. Into what frequent and strong Convulsions these Contentions must throw the State may be easily apprehended. Now, to these Mischiefs, an *Alliance* is the most effectual Remedy. Namely by *establishing one Church* and giving a full *Tolleration to all the rest*, but *excluding* them from the *public Administration*, from the Admission into *which* these Mischiefs arise.

Having now delivered the principal Motives that engaged the State to *seek* an Alliance with the Church, we come, in the next Place, to consider the Motives the Church had for *accepting* it. For this being, as we observed, a *free Convention*, unless the Church, as well as State, had its Views of Advantage no Alliance could possibly have been formed. To discover these Motives we must recollect what has been said of the Nature and End of a Religious Society. For the Advantage adapted to that Nature and End, can only be her legitimate View. Consequently then this Advantage can be no other than Security from all exterior Violence. The State indeed could

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could not justly offer any to it had this Alliance never been made. But this is no Reason why the Church should not think it for its Advantage to secure this its natural Right by *Compact*, any more than that one State should not bind another, in the same Manner, not to do it Violence, tho' *that other* was under prior Obligations, by the Law of Nature and Nations, to the same Purpose. But by this Alliance between the Two Societies the State does more: It, not only promises not to injure the Church, but to serve it. That is, protect it from the Injuries of other Religious Societies, which exist or *may* arise in the same State. How one Religious Society may be injuriously affected by another, we have just before shewn: how great these Injuries may prove we shall shew hereafter. It must needs then be the first Care of a Church, and a *reasonable Care* to preserve it self by all lawful Ways from exterior Violence. A State then as we have said, to induce her to accept its Offers of Alliance, must propose some Benefit to the Church by it, and because this is the only *legitimate* Benefit the Church can receive it must propose *this*, which therefore being considerable, will be the Church's *Motive for Alliance*.

There are but Two other Considerations that can be thought *Motives*. The one is, to engage the State to proagate the established Religion by Civil Force: And the other, to bestow upon it, Riches, Honours, Powers, &c. Now on recurring to the Nature and End of a Church and State the first Motive will be found to be *unjust*, and the *second*, to be *impertinent*. It is unjust in the Church to require this Engagement, because it would be violating the natural Right every Man has of worshipping God according to his own Conscience:

science: It is unjust in the State to engage in it, because, as we have shewn, his Jurisdiction extends not to Opinions. It is impertinent in a Church to aim at Riches, Honours, Powers, because these are Things, which, as a Church it can neither be benefited by, nor use.—To imagine these fit Accommodations for a Church, as such, is as idle a Fancy as that of the Apostles, who were for building sumptuous Tabernacles for the Three great Messengers of God at the Transfiguration. It is very true, that these Things, (which for the sake of the State, followed this Alliance) might be *in the private Views* of ambitious Churchmen, when an Alliance was projected; and might, not a little help forward the Completion of it. But what Motives the *Clergy* of a Church might have is nothing to the Purpose of our Inquiry: We are only to consider what the *Church* had, which, as a Religious Society, consists of the whole Body of the Community, both Laity and Clergy. And her Motive, we say, could not be Riches Honours and Power, because these have no natural Tendency to promote the *ultimate End* of this Society, *Salvation of Souls*, or the *immediate End, Purity of Worship*. We conclude therefore that *the only legitimate Motive she could have was Security and Protection from outward Violence*. This the Reader would do well to keep carefully in Mind, because *much* will be found to depend on it in the Sequel of this Discourse.

On these mutual Motives it was, that this famous *Alliance* was formed; which gave Birth to a CHURCH BY LAW ESTABLISHED: And *these* being so forceable and strong, we are not to wonder that all States, of all Times, had an ESTABLISHED RELIGION. And if the foregoing Account explains the true Original of such universal



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Practice; we presume, that *that Practice* will corroborate the Force of the *Motives* here delivered, when we see the wisest and most experienced Legislators concurring to act upon them.

But when we say that all regular policied States, without Exception, have had an *Established Religion*, we mean no more than he would do, who deducing the true Original of Civil Society, in order to persuade Men of the Benefits it produces, should say, that all Nations had a Civil Policy. For as this Writer could not be supposed to mean, that all Nations had constituted free States, on the Principles of public Liberty, which yet was the only Society he was labouring to prove was founded on Truth, and could be productive of public Good; because it is most notorious, that the far greater Part of Civil Policies are established on different Principles and for different Ends. It was sufficient for his Purpose that those Societies, good or bad, proved the Sense all Men had of the Benefits resulting from Civil Society in general, tho' they were oft mistaken in the Application. So neither would we be understood to mean, when we say all Nations concurred in making this Alliance, that they all exactly discriminated the Natures, and fairly adjusted the Rights of both Societies, on the Principles here laid down, tho' an Establishment resulting therefrom, be the only one we would be supposed to recommend. On the contrary I know this Alliance has been generally made on mistaken Principles, or if not so, hath by length of Time degenerated. By which Means the Established Religion in the Pagan World has been most commonly a Slave to the State; and in the Christian World, the State, sometimes a Slave to it. It is enough that this universal Concurrence shews the

Sense

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Sense Mankind hath of the Utility of this Alliance. And as the Principles of the Writer aforementioned, are not the less true on Account of the general Deviation from them in forming Civil Societies; so may not these Principles of Alliance here delivered: Tho' so few States have suffered themselves to be directed by them in their Administrations; nor any one Writer, that I know of, delivered them with their Consequences deduced, for Speculation. Especially if, as in that Case, so in *this*, we can investigate the Causes of such Mistake and Degeneracy. It would draw me too far out of my Way to explain in their Order the Causes of the Mistake; and the intelligent Reader, who carefully attends to the whole of this Discourse, will not be at a Loss to discover the most considerable of them. Some of which I have already hinted at, and others I may possibly, in the Sequel of this Discourse, take Occasion to mention. As for the Degeneracy the most general and inevitable Cause was this,—we have observed that the Alliance was of the Nature of those which *Grotius* calls *foedera inæqualia*. Now the common Effects of such the great Man gives us in these Words. “Interim verum est accidere  
“ plerumque, ut qui Superior est in fœdore, si  
“ IS POTENTIA MULTUM ANTECELLAT, PAU-  
“ LATIM IMPERIUM PROPRIE DICTUM USUR-  
“ PET: PRÆSERTIM SI FOEDUS PERPETUUM  
“ SIT \*.

SECT. III.

NOW as, from the Nature of the Two Societies, we discovered what Kind of Union only they could enter into; so from *thence*, to-

\* De jur. bell. & pac. L. 1. C. 3. § 21.

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gether with the Motives they had in Uniting, may be deduced, by necessary Consequence, the reciprocal Terms and Conditions of that Union.

From the Motives thereto, it appears, that the great *Preliminary or Fundamental Article* of Alliance is this, THAT THE CHURCH SHALL APPLY ALL ITS INFLUENCE IN THE SERVICE OF THE STATE; AND THAT THE STATE SHALL SUPPORT AND PROTECT THE CHURCH.

But, in order to the Performance of this Agreement, there must necessarily be a mutual Communication of their respective Powers. For the Province of each Society being, as we have shewn, naturally distinct and different, each can never have to do in the others, but by mutual Concession. But again, these Societies being, likewise, as naturally independent one on the other, a mutual Concession cannot be safely made without one of them, at the same Time, giving up, to the other, its Right of Independency. From whence arises what *Grotius*, we see, calls *MANENS PRÆLATIO*, which, in his *Fœdus inæquale*, the more powerful Party hath over the less. Now from these Two Conclusions, which spring necessarily from the great *Fundamental Article of Union*, we consequentially deduce all the Terms, Conditions, mutual Grants, and Concessions which compleat this *Alliance*. For, from this Obligation on the Church to apply its Influence to the Service of the State, proceed a SETTLED MAINTENANCE for the Clergy, and an ECCLESIASTICAL JURISDICTION with coactive Power; which Things introduce again on the other Side, the DEPENDENCY OF THE CLERGY on the State. And, from the State's Obligation to support and protect the Church; proceeds the

STATE'S

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STATE'S SUPREMACY in the Church; which, again, introduces, on the other Hand, the ECCLESIASTIC'S RIGHT OF SITTING IN THE COURT OF LEGISLATURE. Thus are all these mutual Rights and Privileges closely interwove and connected with each other by a necessary, reciprocal, Dependency. But this being a Matter of the highest Importance, it will well deserve a very particular Illustration. We have here, in a succinct Manner, deduced them in the Order in which they arise, reciprocally, from one another; but being now minutely to examine the Reason and Foundation of each Grant and Privilege, this Order would create much Confusion in the Detale. We shall therefore now proceed in a *different*, and put together all that belongs to the Church under one Head; and all that belongs to the State under another. The first Order being the properest for a general View; the second, as we have said, for a *particular*. But both necessary to be taken in, to give a true Idea of the mutual Connection, and necessary Dependency of these Privileges on one another.

Let us then examine *what the Church receives from the State*; and, secondly, *what it gives to it*. Which will present us with a *new View of the Two Societies as they appear under an Establishment*; and leave nothing wanting to enable us to judge thoroughly of their Natures.

What the Church receives from the State by this Alliance is,

I. First, a public Endowment for its Ministers: A separate and certain Portion of the national Property assigned for the Maintenance and Support of the Clergy. The Reasons of this Endowment are,

I. To



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1. To render the Religious Society more firm and durable. For its Existence being the Cause, *sine qua non*, of Service to the State, this would be the first Thing to be taken Care of.

2. To invite and encourage the Clergy's best Service to the State in rendering those committed to their Care virtuous. They receiving these Rewards from the State in proportion to their Endeavours and Success in such Service, for, on these Principles, all Presentations to Benefices are naturally in the Hands of the State. But

3. And principally, in order to destroy that mutual Dependency between the Clergy and People, which arises from the former's being maintained by the voluntary Contribution of the latter; the only Maintenance the Clergy can have before the Two Societies are allied, and which Dependence we have shewn to be productive of the greatest Mischiefs to the State. Add to all this, that as the Clergy is now under the Magistrate's Direction; and, consequently become a public Order in the State, it is but fit, and decent, that the State should provide it a public Maintenance. *This*, most Nations have thought best to impose by Way of TYTHS.

From this Account, of a public and fixed Provision for the Clergy, may be deduced these Corollaries.

1. *That the Clergies Claim of Right to Tyths from the Example of such Establishment by the Mosaic Dispensation, may be fairly and properly urged without Imputation either of Enthusiasm or Superstition. Because, tho' from thence no divine Right be proved, yet a very forceable Argument for the Justice of every constitutional Civil Right to Tyths may be thence deduced. God himself made, for this People, the Union between Church and State;*

as,

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as, before, he had *himself* erected their Civil Society. Now, amongst the various Ends, which he, in his infinite Wisdom, had for erecting that Society, we must conclude, from his infinite Goodness, that *one* was to teach Mankind, by his Example, in the HOREB CONTRACT, to erect Civil Societies on the Principles of natural Right and public Liberty: So we may be equally assured, that one of his Ends in *uniting the Two Societies* was to give Mankind the same general Lesson of Union and Alliance. But if an Union in general, then consequently every one of those Constitutions that arose from the common Nature of a Civil and a Religious Society united, and not from the peculiar Nature of the *Jewish* Church and State, must be intended likewise for our Imitation. But, a fixed Maintenance for Church Officers by *Tyths*, in the Mosaic Dispensation, being one of those consequent Constitutions that depends not on the Frame of that peculiar Church and State, but of a Church and State in general, must be for our Imitation. And if proper for our Imitation, consequently, just and equitable.

2. A second Corollary is, *That the Suspicion which any of the Members of the Established Church may entertain of Injury to the State from such fixed Revenue, as making the Clergy too powerful, is absurd: And that the Refusal of any who are not Members of that Church, to pay Tyths as contributing to the Maintenance of Opinions different from their own, is unreasonable and unjust.* The Suspicion is absurd, because it appears, from what we have but now observed, to be just the contrary: A settled Maintenance quite breaking and destroying that mutual Dependency between Clergy and People, from whence arises that Power of the Clergy which oft proves so pernicious to the State. The Church

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Church of *Rome* will afford us an Example to support this Reasoning. Besides the endowed Clergy, there are, here, several Orders of Religions which possess nothing, but depend on the Charity of the People. Now these *Wrens and fungous Excrescences of a Church* got, for many Ages, all the Power and Influence of Churchmen to themselves, from the endowed Clergy, notwithstanding all the Immensity of the Possessions of these latter. And the State throve accordingly. — The *Refusal* is *unjust*; because this Maintenance is not assigned, by the Public, for the support of *Opinions*, but for the Use and *Necessities of the State*. Therefore they might, with as good Reason, refuse to pay other Civil Taxes and Impositions, which, in their several Applications, are for the same End, namely for the Support of *merely* Civil Officers and Ministers. The Difference is only accidental; — *Church Officers* happen to have Religious Opinions, and *Civil Officers*, perhaps, to have *none*. — But one Sect \* hath added, to their Refusal, *the grossest Prevarication*. These People refuse to pay Tyths on Pretence of the Sinfulness of contributing to the Support of Ungodliness; and yet, at the same Time, readily pay those Taxes which are *expresly* appropriated to the Support and Prosecution of an *offensive War*: Tho' they hold all *such* to be utterly sinful and ungodly.

3. A third Corollary is, *That as a fixed and public Maintenance began with the Establishment of a Church, so it must end likewise with that Establishment*. For the Members of a Church unestablished, have no Right, let their Consociation, for that End be as extensive as it will, to settle

\* The Quakers.

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a fixed and public Endowment on their Ministers. All they can do for their Support is by voluntary Contribution. A fixed Maintenance being solely in the Power of the State, both as it is a public Tax, and as it requires the Authority of the State for its Exaction. And the State could not wisely nor justly affix a public Maintenance to the Clergy of a Church with which it is not in Alliance.

Not wisely because the Advantage which the State gains in breaking the Dependency between Clergy and People by a fixed Maintenance, would be greatly over ballanced by the Inconvenience of giving so considerable a Share of its peculiar Prosperity to another Society independent of it. —Not justly because such Maintenance could not lawfully be demanded of those who are not Members of the Church so pretending to be endowed. For in that Case it would indeed be for Maintenance of Opinions which they think erroneous; to which no one can justly be obliged to contribute: As they may be, to what, by *Covenant and Compact*, is exprelly directed to promote the Good of that Civil Society of which they are Members.

II. The second Privilege the Church receives from this Alliance is a Place for her Representatives in *the Court of Legislature*. Which, with us, is THE BISHOPS SEAT IN PARLIAMENT. For as it necessarily follows (as we shall see presently) from that fundamental Article of Alliance of *the States supporting and protecting the Church*, that the Church must, in Return give up its *Independency to the State*, whereby the State becomes impowered to determine in all Church Matters, as this, I say, necessarily follows, the Church must needs have its Representatives in

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*the Court of Legislature*, to prevent that Power, which the State receives in Return for the Protection it affords, from being perverted to the Church's Injury. For the Church's giving up its Independency to the State, without reserving a Right of Representation in the Legislature would be making it self, instead of a Subject, a Slave, and the vilest of Slaves to the State. So that as the Church cannot *justly*, we must presume she did not *willingly*, when she entered into Alliance, give up her Independency without *reserving* to her self *this Privilege*. — This shews the Necessity of their sitting and acting in the Legislature in all Ecclesiastical Matters. — That they should act too, when they are there, like the other Members, in *Civil Affairs*, is very useful to the State: As giving additional Sanction to its Laws, when the People see that Church and State have concurred in their enacting.

From this Account of the Grounds and Original of this Privilege may be deduced the following Corollaries.

1. *That the Churchmen who sit in Parliament, are not there in their own Right, for their Baronies like the Lay Members.* Because this would destroy the only necessary and useful End of their sitting, which is the Representation of the Church, in order to watch over its Interests. One of the principal of which is to take Care that that Protection which the State affords it by a Test-Law be not violated.

2. *That, tho' they sit there as Representatives of the Church, yet they do not compose any THIRD or distinct ESTATE there\*.*

\* There is indeed the less Pretence to a distinct Estate if their Baronies intitled them to their Seats. Tho' the common System hath joined these Two discordant Parts together, and made the Bishops, at once, Barons and a distinct Estate.

Because

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Because this would make that Convention between Church and State which is only an *Alliance*, an *Incorporation*, resembling *that* in the *Jewish* Oeconomy: Would change that which as we shall see hereafter, is a revocable, into an irrevocable Union, and, by considering the Church as one of the *essential* Parts of which the State is composed, consolidate them both together, and run them down into one another. For every Estate of legislative Power, in a Civil Society, is essential to that Society;—but whatever is essential to it, can never be taken away without the Destruction of the Society it self. Consequently, if Churchmen make a distinct Estate they cannot be taken away but by the Destruction of the Society it self: And if so, the Union becomes *irrevocable*, which we shall fully shew hereafter is contrary to its Nature. So that we must conclude, *Churchmen make no distinct Estate in Parliament.*

3. Our last Corollary is, *that as the Bishop's Right of sitting in Parliament begun, so it must end, with the Establishment.* We have shewn that they sit there, *ne quid Ecclesia detrimenti capiat.* For the Church, by this Alliance, having given up its Supremacy to the State, which, by the Abuse of that Grant, hath Opportunities of doing her much Injury, Churchmen are placed in the Legislature as Guards and Watchmen to prevent that Abuse. But when the Alliance is broke, and the Establishment dissolved, the Church *recovers back* its Supremacy. So that the State losing that Means of injuring the Church, the Church hath no longer any Pretence of Representation in the Legislature. The only Cause being now removed. Nor will their Baronies save them. For if it should be granted that they sat in Parliament

not as Representatives of the Church but as Barons, that Right will exist no longer than the Establishment. For these Baronies being Part of that public Maintenance which the State assigns to the Clergy of an Established Church, and that Maintenance having been granted only during an Establishment, this Foundation of Right utterly fails when the Establishment is abolished.

III. The third and last Privilege the Church gains by this Alliance, is the being intrusted with a Jurisdiction enforced by Civil coercive Power. OR AN ECCLESIASTICAL COURT FOR REFORMATION OF MANNERS. For it being one of the preliminary Articles of this Alliance, *that the Church should apply all its Influence in the Service of the State*, and its Influence being best and most efficaciously applied *this Way*, there was a Necessity for the Erection of such a Court.—That the Church's Influence is most efficaciously applied *this Way* is evident from hence. It has been clearly shewn, by what has been said (in the first Part) of the natural Defect in the Original Plan of Civil Power, and (in *this Part*,) of the Motives the State had to seek an Alliance, that there are a numerous Set of Duties of *imperfect Obligation* which humane Laws could not reach, and several, of *perfect Obligation* which those Laws could not effectually enforce, by Reason of the Violence of the natural Passions from whence the Breach of those Duties proceed; the Subdual of which Passions can be effected only by the Influence of Religion. Now the Good of Society requiring that *these* should be reached and enforced, and that this was to be done by an *ecclesiastical Court* so intrusted by the State with

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with coercive Power, and only by such a Court, it was necessary that, in an Establishment, such a one should be erected by the State for a *Succedaneum* to the Civil Judicatures. And indeed the supplying that Defect, which these Courts do supply, was the *Original and fundamental Motive* of the State's seeking this Alliance. So that the abolition of these Courts would overturn the very Foundation on which the Establishment is erected. Again it appears to be very fit the Church should be strengthen'd with this Authority, that it might not be left quite naked and defenceless after having given up its Supremacy to the State.

From hence we deduce these Corollaries,

I. *That no Matters of Opinion, nor any Civil Matters, that the temporal Courts can conveniently take Cognizance of, can possibly come within the Jurisdiction of ecclesiastical Courts.*—Not Matters of Opinion.

1. Because the Church cannot lawfully exercise coercive Power over such. Nor

2. Because, if it could, had the State any Right to bestow such Power.—We have proved in the former Part that all coercive Power of the Civil Kind is unfitly and unjustly applied by the Church to its own Use and Service. But, punishing Opinions is applying coercive Power to its own Use and Service: And we have proved, in this Part, that the State lent this coercive Power to the Church to be employed in the State's Service: And therefore employing it in punishing Opinions, which is employing it in *its own Service*, is perverting it from that End for which it was given. 2. The State had no Right to bestow such Power. *For no one can give that to another which*

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*be hath not in himself.* And that the State hath nothing to do with *Matters of Opinion* we have fully proved. There is indeed an Exception with Regard to *both* these Cases. For the Church hath an inherent Power of Expulsion for not complying with its Formulary of Communion: And the State the same Right of restraining for opposing any of the *Three great Principles of natural Religion*, mentioned in the first Part of this Discourse. But then we say, that this Exception affects not the Reality of our Position, namely *that an ecclesiastical Court endowed with coercive Power hath nothing to do with Opinions.* For as to the Church's inherent Power of Expulsion, it remains the same it was before the Union; so far as respects its not being attended with Civil Damage or Inconvenience: On other Accounts there is a Difference; for since the Union no one can be expelled for not complying with its Formulary of Communion without the State's Consent, as will be shewn in its Place.—As to those Opinions concerning the *fundamental Principles of natural Religion*, which the State has an inherent Power to restrain, the Exercise of that Power is of so great Moment and Importance to the State, that it would not be safe to intrust it in any other Hands. Nor ought ecclesiastical Courts to *expect* it, because it is a Power Civil Courts can commodiously exercise. Which comes in with the other Part of the Division of Matters that belonged not to ecclesiastical Jurisdiction. To which Division we are now arrived.

*Nor Civil Matters, that temporal Courts can conveniently take Cognizance of.* These we say cannot possibly belong to any ecclesiastical Jurisdiction. We have proved that it was erected as a *Succedaneum* to the Civil to take Cognizance of such Ac-  
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tions as the Civil could not reach, or could not remedy. And we may be assured that nothing less could have persuaded the State to erect it. For the parting with a Share of its Jurisdiction is not a Matter of Indifference: Such Share in other Hands being liable to Abuse. This then is an Evil; and before the State could be persuaded to incur it, it must be satisfied a greater Evil is thereby avoided. And the suffering those Transgressions to go unpunished, which it self could not conveniently and effectually restrain, was that greater Evil. A *less* therefore was providentially chose. From hence it is most evident that the State could never intend to put those Things under ecclesiastical Jurisdiction, that fell most conveniently under its own. Because here was an Evil incurred; and no greater, yea none at all, avoided. Besides, for ecclesiastical Courts to engross Matters that belong to the Civil Jurisdiction, as it can possibly have no good Use, may very possibly be attended with this further Evil of inviting and encouraging the Church to aim at more Power than is consistent either with her own Good or the State's. But if *criminal Causes*, as they are called, which Civil Courts can commodiously take Notice of, belong not to the Church's Jurisdiction; what Pretence hath she to *Civil Causes*, or the Determination of private Property? The great Founder of her Religion said WHO MADE ME A JUDGE OR DIVIDER BETWEEN YOU? And what he would not assume himself he would scarce bestow upon his Church. And that the State should ever think of giving to her what was the peculiar Right of temporal Courts, is as difficult to think. We must conclude then such Custom to be derived, not from the reasonable Laws of this Alliance, but from the  
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Imitation of old Papal Usurpations. And in this Light were they regarded by that great and wise Legislature in the Time of *Edward VI.* when it took from ecclesiastical Courts, MATRIMONIAL and TESTAMENTARY Causes, and RESTORED them to the Civil. How the Usurpation of so extensive a Jurisdiction first began we shall not be at a Loss to discover, when we reflect upon what has been before said concerning the Methods the State made Use of, by the Aid of allied Religion, to add a Sanction to its Civil Institutions. Thus *Marriage* tho' a *Civil Compact*, yet being of the highest Importance to Society, to give it the greater Veneration and Reverence, was made a *Religious one*, by being confined to the Administration of the Clergy. And so far all was well. But from thence the Clergy took Occasion, by Degrees, to draw into the Church's Jurisdiction every Thing that arose from that Conjunction between the Two Sexes, the Rites of which they administred. And from this Example may be seen what bad Work ecclesiastical Courts cut out, when they usurp the Determination of *Civil Causes*. For here, notwithstanding the Voice of Nature and of God cried out for a Divorce of this Conjunction in certain Cases; yet, on the idle and superstitious Pretence, that that Rite was a Sacrament, they boldly ventured to contradict both, and to pronounce the Contract indissoluble.

Ecclesiastical Jurisdiction then, neither extending to *Matters of Opinion*, or to *mere Civil Matters*, we must conclude that it was given SOLELY FOR REFORMATION OF MANNERS.

II. Another Corollary is that *these Courts do not exempt the Clergy from Civil Jurisdiction*. We have shewn, that ecclesiastical Courts were not erected for

for the sake of the Church, but for the sake of the State. Therefore they cannot take Cognizance of the Affairs of the Clergy; because *this* is employing their Jurisdiction to their own Use and Service. Besides we have shewn they were erected to take Cognizance only of those Things which Civil Courts could not. But all Causes that relate to the Clergy whether Criminal or Civil, they *can*. And not to bring *those of the first Kind* before the temporal Courts, but to allow them a Jurisdiction distinct from the rest of their fellow Subjects, would be the Occasion of much Damage to the State. And not to bring those of *the latter Kind* before the same common Tribunal, the Chief of which are concerning their ecclesiastical Revenues, would in Time create Mistakes concerning the Original of those Rights; which being derived from the State there seems to be no other Way of perpetuating the Memory of the Donation, than by providing that all Disputes concerning *them* be determined by the Civil Courts.

3. The last Corollary is, *that all Forms of Process and judiciary Proceeding in ecclesiastical Courts should be borrowed from the Civil Courts of that State to which the Church is united, that they should go invariably by the Rules and Maxims of the Municipal Laws of that State; and that Appeals from these should be allowed in all Cases to the Civil Courts.* For the State must needs be supposed, when it prescribes and defines the Power it gives, to intend, that that Power should be exercised according to the RULES and MAXIMS it self observes in the Civil Courts. Because those *Rules and Maxims* are, *there*, observed, as the most agreeable to Justice, Equity, and the Ease of the Subject: But this Care of its Subjects in Civil Courts, it

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could never be supposed to throw off when it sent them to an ecclesiastical Jurisdiction. It must likewise be supposed to intend, that this Power be exercised by the same FORMS OF PROCESS and judiciary proceeding that it self uses in the Civil Courts: Because this is the securest Way of perpetuating the Memory of the Original and Dependency of Ecclesiastical Courts. Which is of the highest Importance to the State. On which Account too it is far from being improper that the JUDGE of these Courts should be a LAYMAN. If this be so, how absurd must it be for Ecclesiastical Courts to administer their Power, and regulate their Proceedings on *foreign Forms, Rules, and Maxims*, as if independent, or under a FOREIGN JURISDICTION.—But if there should be found ecclesiastical Courts, which not only proceed on *forreign Forms and Maxims*, whereby their Original and Dependency is in effect denied; but on *those very Forms and Maxims* invented by a certain spiritual Potentate, who not only claims a Right of inherent coactive Power in his Church, but a Right of temporal Dominion over all the Kingdoms of the Earth; and who hath been particularly the Scourge of *that* where such absurdly instituted spiritual Courts are found, which Kingdom he is perpetually labouring to reduce to that State of vilest Slavery under which it so long groaned: If there be, I say, to be found such Ecclesiastical Courts, what a Surprise and Astonishment must it create in the sober Considerer. But if these Ecclesiastical Courts not only proceed on the *Forms and Maxims* in use with this tyrannical Power, but likewise on the AUTHORITY OF HIS LAWS, what Name shall be given to so stupendous an Absurdity?

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That there should be *Appeals from these Courts to the Civil, in all Cases*, is most evident, 1. Because it is the Nature and Condition of all inferior Courts to be appealed from, to the Superior.

2. But there is greater Reason this Rule should be observed by inferior *Ecclesiastical Courts* than by inferior Civil Courts. Because a Neglect of it in the latter could never occasion a Claim of Independency; a Neglect of it in the former, might. Nay it is a direct Claim. And the Custom, wherever it is found, is built on the pernicious Doctrine of the Church's having an inherent coactive Power of the Civil Kind.

3. Because Ecclesiastical Courts, unappealed from, would soon erect themselves into Tyrannies.

Thus have we seen the Privileges the Church gained by this Alliance, thro' the Concession of the State. Let us, now, see what the State gained by it, thro' the Concession of the Church. Which in a Word was this,—*The CIVIL MAGISTRATE becomes thereby SUPREME HEAD OF THE CHURCH; without whose Approbation and Allowance, she can now decree or determine nothing.* For by this Alliance the State having undertaken the Protection of the Church, and Protection not being possibly to be afforded, to any Person or Body, without Power over that Person or Body, in the Person or Body protecting; it necessarily follows, that the *Civil Magistrate must be supreme.* Protection is a Kind of Guardianship; and Guardianship implies Obedience and Subjection in the Ward, towards him who is invested with that Character. The Office therefore of Protection, without this Power in the Body protecting, is giving the State no better a Post than that of

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PUBLIC EXECUTIONER OF THE DECREES OF THE CHURCH. In which *high* Station we find those States that are most enslaved to the Papal Power.—Besides, when the State by this Convention promised to afford the Church, Protection, the Promise was made to a particular Church of one Denomination of such determined Doctrine and Discipline. But now, what might be advantageous to a State in the Protection of such a Church, might be disadvantageous to it, in the Protection of one of a different Doctrine and Discipline. Therefore when Protection is afforded, it must be, at the same Time, provided that no Alteration be made therein without the State's Allowance. Further, the State having *endowed its Clergy*, and bestowed upon it a *Jurisdiction* with coactive Power, these are Privileges that might be perverted to the infinite Damage of the State, had not the Civil Magistrate, in Return, *the Supremacy* of the Church. The Necessity of the Thing then invests him with that Title. Let us see now in what this *Supremacy* consists. It consists in these Three Particulars.

I. *That no Ecclesiastic of the established Church can exercise his Function without the Magistrate's Approbation and Allowance.* But we must be careful how we think that the Magistrate, by virtue of this Branch of the *Supremacy*; can *make or confer the Character of Priest or Minister*; tho' the Exercise of it be solely by his Allowance. For this *could not* be given him by the Convention. I. Because it answers no End or Purpose of Service. All the possible Advantages gained to the Magistrate by the *Supremacy* over the Clergy being secured from the *Exercise* of their Function's being under his Direction. On this Account then,

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to interfere in *making* the Character, would be *impertinent*. 2. Because this Power directly tends to the Destruction of a Church as a Society: The Essence of which is, as we have shewn, to have Officers and Ministers of its own Creation. So that the giving up this Right to the Magistrate, would not be *convening* with the State, but dissolving her self into it; and becoming lost, and absorbed in it. This Consequence the Enemies of a Church, as a Society, were so well aware of, that in order to bring on the Dissolution of that Society, this Point *namely that the Magistrate may confer the sacred Function and Character*, is what they principally labour and insist on. On this Account then to *interfere* in making the Character would be *unjust*. 3. Because this Power would in some Religious Societies be esteemed to interfere with divine Right; as in *those* which profess that the divine Author, and his inspired Servants, have *themselves* directed the Manner of conferring the sacred Character. On this Account then to *interfere* in making the Character would be *impious*. On the whole therefore we must conclude that the Office and Character of the Clergy is conferred in the very Manner it was before the Alliance; whether the Method was of divine Appointment, or of humane: *The Exercise only* of that Office and Character, being under the Magistrate's Direction.

II. The second Particular in which this Supremacy consists is, *That no Convocation, Synod, or Church Assembly hath a Right to sit without the Permission and express Licence of the Magistrate: Nor when they do sit, by virtue of that Permission, to act in a judiciary Manner, without a new and particular Licence for that Purpose.* Whether it be for decreeing Matters of Discipline, or for condemning



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ning by Expulsion for Matters of Doctrine, or lastly, for correcting Manners. That the Church cannot assemble in Synod under the Magistrate's Supremacy without his Licence is evident. Because before the Alliance, the Power that follows the Supremacy and Independency of the Church was exercised in such Assemblies. To suffer such therefore to meet, after the Alliance, without Licence would be virtually giving up his Supremacy and acknowledging it to be now, as before the Union, in the Church.—That when assembled it cannot act in a judiciary Manner without express and particular Licence for the Case in Hand, is plain from hence. 1. Because the Church hath already one Court of Jurisdiction granted to it called the *Bishop's Court*. To give it other fixed and standing Courts would be both unnecessary and unfit. *Unnecessary*, because the Bishop's Courts are sufficient for the common Necessities of the State, and for rare and uncommon Cases an OCCASIONAL JURISDICTION is sufficient.—*Unfit*, because the giving two fixed and perpetual Jurisdictions with coactive Power, would be intrusting the Church with more temporal Authority than, even under the Magistrate's Supremacy, would be safe for the State. 2. Because decreeing Matters of Discipline, and condemning by Expulsion for Matters of Doctrine, cannot in an Alliance be done without the Consent of the State. Therefore is the particular Licence of the Magistrate, necessary to authorise those Proceedings.

But it appears, on the other Hand, a great Error to imagine such Assemblies, when legally convened, to be either useless or mischievous. For all Churches except the Jewish and Christian being *humane* policied Societies, of the Nature  
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of which, even the Chriſtian, *in Part*, partake \*, and all Societies without Exception, adminiſter'd by humane Means, it muſt needs happen, that Religious Societies, as well as Civil, ſhould have frequent Occaſion to be new regulated, and put again in Order. Now tho' by this Alliance of Church and State, no new Laws can be made for Church Government, but by the State's Authority: Yet ſtill there is Reason that Propoſitions, for ſuch Laws, ſhould ſometimes come from the Church; which we muſt ſuppoſe well ſkilled (as in her proper Buſineſs) in forming and digeſting ſuch new Regulations, before they come before the Conſideration of the Legiſlature. At leaſt there ſeems to be the ſame Reason why this Aſſembly, during the Seſſion of the Legiſlator, ſhould be conſulted with, in Points where Religion is concerned, as why the Bench of Judges are required to give their Attendance, to be adviſed with in Matters of Civil Juſtice. And if not this, there is yet Reason why they ſhould be aſſembled. For to have Laws framed and modelled ſolely by the State, and, (without previous Communication) impoſed upon the Church, is making of it the meaneſt and moſt abject of the State's Creatures. For every little Company and Corporation hath the Honour to be conſulted with before any Law is enacted that may affect its Conſtitution. If it be ſaid that Eccleſiaſtics in the Court of Legiſlature are placed there for that Purpoſe, we ſay that we have ſhewn the End of their ſitting there was to watch over the Safety of the Church *in general*. Enough indeed for *that* Purpoſe; but evidently *too few* to deliver the Senſe of ſo large a Society, when particular Caſes of Importance come under Deliberation.

\* See Hooker's eccl. Pol.

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As for the Mischiefs arising from these Assemblies, by their Heats, Quarrels, and Divisions, we own them to be very great. But we observe, they have all proceeded from not having their Original and End, under an Established Religion, fixed and determined. As is evident from the constant Subject of these Divisions being concerning the Power and Extent of their Privileges and Jurisdictions. And we will venture to affirm that Synods convened, and meeting, on the Principles here laid down, cannot possibly prove pernicious to the State or fruitless to the Church.

III. The last Branch of this Supremacy is, *that no Member of the Established Church can be excommunicated, or expelled the Society without the Consent and Allowance of the Magistrate.* For this Expulsion being an Act of Supremacy and Independency, must necessarily be authorised by him, with whom the Supremacy is now lodged. Besides did the Church retain this Power under an Establishment, nothing could hinder but that the Exercise of it might extend to the *Supreme Magistrate himself the Head of the Church*, as well as to the meanest of his Subjects: And how absurd that would be let any one judge. But then it is to be observed that Excommunication for *Doctrines* and *Matters of Opinion even when* authorised by the State, must still, (the State having nothing to do with the Care of Souls, nor the Church with the Care of Bodies) as before the Union, be unattended with *Civil Censures or Inconveniences*: Other than *accidentally* befall the expelled Person, from a Test-Law, in those States where the Protection of the Church, and the Peace of the State, require its Aid. Different in this, from Excommunication for Immoralities;

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ties; which, under an Establishment, hath reasonably and justly Civil Censures annexed to it.

From this Account of the Supremacy may be deduced this Corollary, *That the conferring on the supreme Magistrate the TITLE OF HEAD OF THE CHURCH, is by no Means inconsistent with the Nature of our holy Religion.* This Title hath been misrepresented by the Enemies of our happy Establishment, to be the setting up, in the Place of *Christ*, a new Legislator in *Christ's* Kingdom. But as it hath been shewn, that no more Jurisdiction is given by this Title to the Civil Magistrate than the Church, as a mere political Body\*, exercised before the Convention, it follows that if the Magistrate's Jurisdiction be an Usurpation of the Rights of *Christ's* Kingdom, so was the Church's. That the Church's was no Usurpation, but perfectly consistent with the Rights of *Christ's* Kingdom, if that Kingdom composes a political Society here on Earth, I thus prove. The State of the *Jews* was in every Sense as strictly at least and properly the *Kingdom of God* as the Christian Church is the *Kingdom of Christ*. Yet that did not hinder but that there was, by his Approbation and Allowance, an Inferior Jurisdiction in the Jewish State. What then shall hinder an Inferior Jurisdiction in the Christian Church. *This*, both enjoyed in common to be made a political Society by divine Appointment, but differed in this, that God for wise Ends minutely prescribed the whole Mode of Jewish Policy: And *Christ*, on the contrary, for the same wise Ends, only constituted the Church a policied Society in general; and left the Mode of it to humane Discretion\*. But I suspect the Matter sticks here, these

\* \* See *Hooker's Eccl. Pol.*



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Men won't allow the Church, or Kingdom of Christ, to be a Society in a proper Sense. This indeed is the darling Notion of the Enemies to Establishments. It is certain, the Argument of usurping in Christ's Kingdom, hath no Force but on the Supposition that the Church is no Society properly so called. And then it must be owned it hath its Weight. However this Subterfuge we have totally overthrown. Having proved at large that the Church is, in a proper Sense, a Society.

Thus have we shewn the mutual Privileges given and received by Church and State in entering into this famous *Convention*. From whence we may observe that as they all took their Rise, by necessary Consequence, from the *fundamental Article* of the *Convention*, which was *that the Church should serve the State, and the State protect the Church*; so they receive all possible Addition of Strength, from the mutual Dependency they have on one another. This we have Reason to desire may be understood as a certain Mark that our *Plan of Alliance*, between Church and State, is no precarious arbitrary Hypothesis, but a Theory founded in Nature and the unvariable Reason of Things. For having, from the real Essence of the Two Societies, collected the Necessity of an Alliance, and the Freedom of it; from the Necessity, we have fairly introduced it; and from its End and Freedom consequentially established every mutual Term and Condition of it. So that now if the Reader ask us, *Where this Charter, or Treaty of Convention for the Union of the Two Societies, on the Terms here delivered, is to be met with*, we are enabled to satisfy him. For we say it may be found in the same *Archive*, where the famous ORIGINAL COMPACT between Magistrate

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Magistrate and People, so much insisted on, in the Vindications of the Rights of Mankind, is repositied. Now when a Sight of this *Compact* is required of the Defenders of Civil Liberty, they hold it sufficient to say, that it is enough to all the Purposes of Fact and Right, that that *Original Compact* is the only legitimate Foundation of Civil Society;—that if there was no such Thing *formally* executed, there was *intentionally*;—that all Differences therefore between Magistrate and People ought to be regulated on the Supposition of such a *Compact*, and all Government reduced to the Principles therein established, for that all the Happiness of which Civil Society is productive, can only be attained by it, when formed on those Principles. Now, something like *this*, we say of our CHARTER OF CONVENTION. But we say more, for

### SECT. IV.

WE have been the fuller in this Account in order to shew our Adversaries how unreasonable and even impolitic they are, when, in their ill Humour with *Establishments*, they chuse to pick a Quarrel with *their own*. Where the national Religion is on a Footing exactly agreeable to the Nature of a free Convention between Church and State on the Principles of the Laws of Nature and Nations. A Felicity, they should have known, that scarce any other People on the Face of the Earth can boast of. For let them look around and tell us where they can find any other Place in which the State does not incroach on the Church, or what is indeed much the commoner, the Church on the State. In *England* alone it is, where the Original Terms of this Convention are kept up

to ſo exactly, that this Account of the Alliance between Church and State, ſeems rather copied from the Church and State of *England*, than a Theory, as indeed it was formed ſolely from the Contemplation of Nature and the unvariable Reaſon of Things. Without any further Regard had to our particular Eſtabliſhment, than as ſome Matters relating thereto, tended to illuſtrate our abſtract Reaſonings. So that fortunately for the Motive I had in writing our Adverſaries are cut off from all Subterfuge. For they can neither condemn my Theory, as a viſionary *Utopia*; nor approve it as reaſonable and fit for Practice, and yet think they may carry on their Oppoſition againſt their Country Eſtabliſhment: Becauſe theſe two prove to be one and the ſame. If in a few minute Things they diſagree, thoſe Variations in our *Eſtabliſhment*, will perhaps, by ſome, be accounted the Irregularities of an excellent Model, which the Miſfortunes of *Edward VI.* Reign prevented from being carried to Perfection. For then it was that this Alliance between the Proteſtant Church of *England* and the State, was made: On the natural Diſſolution of *that*, between the Popiſh Church and it. When, had not the Hypocriſy of ſome complying Churchmen, the domeſtic Quarrels in the Adminiſtration, and the immature Death of that hopeful Prince intervened, we might have expected, they will ſay, the completeſt Scheme of a Convention that humane Policy and pure Religion could have produced. However this be, as there have been many and long, and as it would ſeem, hitherto fruitleſs Debates, concerning *Tiths*, *Biſhops Seats in Parliament*, *Spiritual Courts*, *Convocations* and *Supremacy*, in which Men have run into the moſt contrary Concluſions, I judged it not amiſs to draw

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draw out *Corollaries* concernig each of them. That may possibly assist somewhat towards the putting an End to these long Controversies.

Such then is the uncommon Excellence of our happy Constitution: And, struck with the Beauty of so just and generous a Plan of Power, a late notable Writer thus forceably expresses himself — “Some Men there are, the PESTS OF SOCIETY I think them, who pretend a great Regard to Religion in general, but who take every Opportunity of declaiming publickly against that *System of Religion*, or, at least, against that CHURCH ESTABLISHMENT which is received in Britain” † — In Truth this is bearing hard on our new Guardians of Civil and Religious Liberty; who when they have generously taken upon themselves this Office and asked no other Reward than the modest Title of FREE-THINKERS are called *Pests of Society*, and branded by the Clergy with the odious Names of *Infidels*, and *Enemies to Christianity*. 'Tis well however we find our Author above quoted, in this, more equitable. He owns *they pretend a great Regard to Religion in general*. And this Justice is due to them, that they are no Enemies to the Name: For that is the true Meaning of *Religion in general*. *Ideal Christianity* they could well away with: *Real Christianity*, indeed, somewhat offends them; it does more so under the Form of a *Society*; but most of all when that Society becomes erected into an ESTABLISHMENT. They could be well content to accept it under the fashionable Notion of a divine *Philosophy in the Mind*: Especially if that Philosophy was to be received in *England* on the Footing which *Tully* tells us the *Greek Phi-*

† Dissert. on Parties. P. 148.



osophy was received in *Rome*. DISPUTANDI CAUSA, NON ITA VIVENDI †. But to receive it for Service, and with the Magistrate's Stamp to make it current, revolts these great and free Spirits. So that, even to those *engaged in the Cause of a Ministry*, or *intrusted in the Service of a Church* \* they rise up, one and all, against so intollerable an Imposition. However a Religion, blessed be God, we yet have; and even an *Established one*. It enjoys this Prerogative for the Service it does the State; and that it may be no longer envied its Privileges, we shall now beg Leave to shew that the Christian is, of all Religious Societies, the best fitted to do *this Service*.

I. Its superior Excellence, in this Point, above the *ancient Pagan Religion of Greece and Rome*, is seen in its being infinitely better fitted than *that* to fall into a firm and lasting Society. It is to be observed that the Unity of the Object of Faith, and Conformity to a Formulary of dogmatic Theology, as the Terms of Communion, is the great Foundation and Bond of a Religious Society. Now *this* the several Societies of Pagan Religion wanted; in which there was only a Conformity in national Ceremonies: But as to Points of Opinion and Belief, it was not adjudged to be of Importance to determine whether their Gods were real Persons, or only the Symbols of natural Powers. Their *Mysteries* consisted not so much in abstruse Points of Speculation, as in secret Practices. Whence it happen'd, that these Societies being without the true Foundation and Support, when they became established by free Convention with the State, were soon lost and

† Orat. pro Mur.

\* See the Papers called *The old Whig*.

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absorbed in it, or at least fell into the lowest Condition of Slavery and Dependence on it.

II. As Christianity was superior to Pagan Religion, in its *Capacity* for forming a Society: So it is superior to *pure natural Religion*, in being a Society by *divine Institution*, which, natural Religion is, only by *humane*. Was there no other Evidence that Christianity composed a Society by *divine Appointment* but this, that the constant Title given by *Jesus* to his Religion is that of KINGDOM, it alone would be sufficient to satisfy all who know the general Meaning of the Word, and the peculiar Use of it in the *Jewish Economy*. But when in Consequence of his Right of KINGSHIP, *Jesus*, and by his Substitution, his Apostles, go on to appoint Officers, Degrees of Subordination, and Exercise of Power in this Kingdom, judge of the Singularity of that Complexion that can stand bravely out against so strong Conviction. But something, you must think there was which made it worth their while to defy Fact and Reason. The secret was this, they imagined that if they could but persuade us, that Christianity constituted no Society of *divine Appointment*, it was no Society at all, and consequently a *Creature of the State*. This was so ravishing a Conclusion that they may well be excused a little *opiniatrete* in the Road to it. But we have demonstrated, that let the Matter of divine Institution be as it will, yet, *Religion* naturally and necessarily composes a *Society* Sovereign, and independent of the Civil. Most idly therefore had they employed their Pains had they proved what they attempted. But how ridiculous must their Obstinacy now appear while, in Support of *this Nothing*, they persist against all Record and Reason?

III. Again

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III. Again as Christianity is superior to pure natural Religion for its being a Society by divine Appointment; so it is superior to the *Jewish*, in being perfectly free, and independent of the *Civil*. The Jewish Religion was (like the *true natural*, which it ratified and confirmed) essentially fitted to compose a *Society*: and (like the Christian, of which it was the first Rudiment) was *such*, by divine Institution. But then unlike this latter in this, that it was not left independent of the *Civil*, to unite with it, at its own Pleasure, on Terms agreed upon, but was, for great and stupendous Reasons, which will be explained in the fourth Book of the Treatise before referred to, united likewise by *divine* Institution with the *Civil*. Which also, God was pleased to do, (for Reasons there shewn) not by Way of Alliance, as between two Bodies that were to continue distinct, from whence results an Established Religion of the Nature above explained, but by mutual Conversion into one another, and perfect Incorporation. By which both Church and State, under a distinct Consideration, were lost, and there arose from both a quite new Species of Government that was both and neither. Yet this being justly to be reckoned in the *Genus* of those Unions which we have shewn Necessity of State made of so universal Practice, we may be allowed from thence to draw an Argument for the Justice of *such* whereby a Church becomes established. For if Men without the Imputation of Sophistry or Superstition \* may be permitted to bring the Example of God in the *Horeb Contract* to give a Sanction to, and justify the common Right of Mankind to erect free Common-

\* See Alger. Sidney's *Discourses concerning Government*, passim.  
weakhs ;

wealth; what Reason is there that the same Example in the Union of the *Jewish* Church and State should not be esteemed of equal Force to vindicate the Equity of those Unions between the two Societies that are made by Men, and are productive of an *Established Church*?

But Christianity was not only *left* independent of the State, by not being by divine Institution united to it as was the *Jewish* Religion, for being so *left*, by the Law of Nature it must needs be independent; but its Independency likewise was secured by divine Institution, in that famous Edict of the great Founder—MY KINGDOM IS NOT OF THIS WORLD. Which tho' much perplexed by Interpretations made to suit particular Notions and Hypothesis's, bears this plain and obvious Sense—"that the *Kingdom of Christ* to be extended  
 " over all Mankind was not like the *Kingdom of*  
 " God confined to the *Jewish People*, where Religion was incorporated with the State, and  
 " therefore of *this World* as well in the Exercise  
 " of it, as in the Rewards and Punishments by  
 " which it was administred; but was *independent*  
 " of all Civil Communities, and therefore neither  
 " of this World as to the Exercise of it, nor as to  
 " the Rewards and Punishments by which it was  
 " administred". That this is the true Meaning of the Words the Occasion of speaking them will shew us, which was the Delusion his Followers were in, that the *Gospel* was to be administered by the same *OEconomy* that the Law had been. But whoever imagines that from *this Independency by Institution* the Church cannot convene and unite with the State, concludes much too fast. We have observed on what Occasion the Words were spoke. That this Property in the Kingdom of Christ was given as a Mark to distinguish it from



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the Kingdom of God over the *Jews*. That is, to shew that this Religion extended to all Mankind, and not confined, like the Mosaic, to the *Jews*. Consequently that very Reason that made it proper for the Mosaic Religion to be united by Institution to the State, made it fit the Christian should be left free and independent. For what? why that it might be at Liberty to adapt it self to the many various Kinds of Civil Policies thro'out the World by a suitable Union and Alliance. Whereby might be truly and literally fulfilled that famous Prophecy of *Isaiab* addressed to the future Church or Kingdom of Christ in these remarkable Words. " Thus saith  
" the Lord God, behold I will lift up my Hand  
" to the GENTILES, and set up my Standard to  
" the *People*—and KINGS SHALL BE THY NUR-  
" SING FATHERS, AND THEIR QUEENS THY  
" NURSING MOTHERS †. Which, and it is worthy Observation, those Believers, with whom we have here to deal, cannot, on their own Principles, give any reasonable Account of, unless they allow that the free Alliance as here delivered, between Church and State, was the precise Thing predicted by the Holy Spirit. An Alliance then the Christian Church was at Liberty to make with the State, notwithstanding this declared Nature of *Christ's Kingdom*. So far indeed is certain, that, by those Words, it is debarred from entering into any Alliance with the State that may admit any *Legislator* into Christ's Kingdom but himself. For this would, indeed, *make his Kingdom of this World*. But by the Alliance, above explained, and here contended for, no such Power is granted or usurped, as we have proved in the *Corollary*

† Isa. xlix. 23.

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concerning the *Supremacy*. Therefore is an Established Religion no Violation of this famous Declaration of Christ.

Such then is the Nature of *Christ's Kingdom*,—it is essentially framed to compose a firm and lasting Society, it is made *such* by divine Appointment; and, in order to enable it to benefit Mankind in the best Manner by adapting it self in Union with the various Kinds of Civil Policies, it is both by Nature and Institution declared Sovereign and independent of Civil Society: And tho' from *this* its Nature *alone*, it cannot be demonstrated to be of divine Original: Yet so much may be easily proved, that had it not *this Nature* it could not have *that Original*. For if Religion was designed (as no Religionest can doubt) not only to procure us all Happiness hereafter, but to assist the Promotion of it here, in the best Manner consistent with its Nature; and that this Assistance can be then only effectually imparted when the Religion is *national*, and, that it cannot be made *so* without *Union with the State*, and no reasonable Union can be but *between two real and independent Societies*; then it follows, that if that Religion which pretends to be the last consummate and most perfect Revelation of the Will of God to Man, be not a real Society and independent; its Pretences are false, and deceitful.

Hence may be seen the Folly of those *Christian Sects* which, under Pretence that Christianity is a spiritual Religion, fancy it cannot have Rites, Ceremonies, public Worship, a Ministry or Ecclesiastical Policy \*. Not reflecting that without

\* Bp. Burnet in his History of Charles II. P. 538. tells us, that Sidney's Notion of Christianity was, *that it was like a divine Philosophy in the Mind, without public Worship or any Thing that*

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these, it could never have become *national*, and consequently could not have done that Service to the State that it, of all Religions, is most capable of performing.

SECT. V.

I Should now conclude this second Part of our Inquiry, but that the fundamental Doctrine of it, the *reality* of this *free Convention* is called in Question. Tho' it may deserve an Answer, I would not interrupt the Course of the Argument but reserved this Space, between the second and third Parts, to give it in. The Objection is this, *That as the two Societies are supposed to be formed out of one and the same Number of Individuals, that is, that those very Men who compose the State, compose the Church also; it is a Convention of those Individuals with themselves under different Capacities. But all such Convention is as groundless and ineffectual as that which one Individual would make with himself.* The Objection is plausible: And grounded on this Supposition, that the Circumstances which

*looked like a Church.*---That an ignorant Monk, who had seen no further than his Cell, or a mad Fanatic, who had thrown aside his Reason, should talk thus, is nothing. But that the great *Sidney*, a Man so superlatively skilled in the Science of humane Nature and Civil Policy, and who so well knew what Religion was capable of doing for the State, should fall into this extravagant Error, is indeed very surprising.---I suspect that the View of those monstrous Abuses Christianity had done and suffered, in its Application to the State's Service, thro' a long Age of Ignorance by a bloody and debauched Clergy, for want of being guided by the Principles of Union here laid down, was what struck him with Horror, and made him espouse this strange Novelty, for as *such*, the good Bishop represents it to us. But had he lived till now he would have found it was become, tho' under a new Disguise, a very fashionable and prevailing Notion.

prevent

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prevent one Individual's compacting with himself, attend a Compact attempted to be made by many Individuals with themselves, under the Distinction of two Societies.

If therefore we can prove the Supposition to be false, the Objection is overthrown. But we shall do more: We shall not only prove that this *free Convention* hath none of the Circumstances attending it which prevent *one* Individual's compacting with himself; but, that it hath all the Circumstances that make a Compact binding between *two* Individuals.

Let us see what it is that prevents a Man's contracting with himself. It is of the Essence of all Contracts that there be. 1. The Concurrence of two Wills; and, 2. A mutual Obligation for the Performance of the mutual Promises *thereby* made. But one Man having but one *Will*, there is no *Foundation* for a Compact which requires the Concurrence of Two Wills: And having but one *Person* there is no *Efficacy* in a Compact; because no Obligation. For what a Man promises to himself, himself can acquit. Therefore an Obligation which the obliged can, by the sole Act of his *Will*, destroy, is no Obligation. Hence it appears that a Man's contracting with himself is, of all Freaks, the most absurd and impertinent.

Thus the Defect, of that *Compact of one Individual with himself*, proceeds from the Want of two *Wills* and *Persons*. If then two Societies have really two distinct *Wills* and two distinct *Personalities*; the Subject Matter of which those two artificial Bodies are composed being one and the same, (namely natural Bodies specifically and numerically the same,) cannot possibly hinder those two Societies from entering into Compact; and from that Compact's having all the Effects of such



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as are adjudged most real. That two such Societies have two distinct *Wills* and *Personalities* I shall shew.—When any Number of Men form themselves into a Political Society, whether Civil or Religious, that Society becomes a *Body*, different from *what* the Number of Individuals made before the Society was formed. Otherwise the Society is nothing, or in other Words no Society is formed. Here is then a *Body* distinct from what the Number of Individuals make. And is called *factitious* to Difference it from the *natural Body*, because it is the *Creature of human Will*. But a *Body* must have its *proper Personality and Will*, which without *those*, is a Name, a Shadow and no more. This Personality and Will, is neither the Personality and Will of one Individual, nor of all, together.—Not of one is self evident.—Not of *all*, because the *Majority*, in this *factitious Body* hath the Denomination of the *Person* and of the *Will* of the Society. We conclude then, that the *Will* and *Personality* of a Community is as different and distinct from the Will and Personality of the Individuals, of which it is composed, as the *Body* it self is. And, that as in the Erection of a Community, a *factitious Body* was created, so were a *factitious Personality and Will*.

But if this be so, then it follows that this self same Number of Individuals, which hath formed and erected, of themselves, one Society or *factitious Body*, endowed with a distinct *Personality and Will*; may erect, of themselves, as *many such* Societies as they please. Because the *Body*, *Personality*, and *Will*, of such Societies being all *factitious*, the Store-House from whence they come, is as inexhaustible as the Wants of Mankind. Whereas were the Will and Personality of the

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the Individuals, the Will and Personality of the Society composed by them, then, on the contrary, the self same Number of Individuals could not erect above *one* Society. Because their Personality and Will being already bestowed upon *one* Society, they had them not again to give, in order to animate any *other*.

Thus have we at length deduced two Societies, made up of one and the same Number of Individuals, with each its distinct Personality and Will, different from *those* of each other, and from *those* of the Individuals. But the different *Natures* of the Societies not only *made* their Wills and Personalities distinct, but their different *Ends* will *keep* them so. For Societies being created each for one *certain* End, each hath its own proper Views and Interests, and tho' each be so closely related to the other as to have one common *Suppositum*, yet it pursues *these* only, without further Regard to the Interests of the *other*, than as *those* support its *own*. In this is the artificial Man, Society, much unlike the *natural*: Who being created for *several* Ends hath several Interests and Relations; and may therefore be considered under *several* Capacities, as a *Religious Animal*, a *Civil Animal*, a *Rational Animal*, &c. And yet they all make but one and the same Man. But one and the same political Society cannot be considered, in one View, as a Religious Community, in another, as a Civil Community, and in another as a Literary Community. One Society can be precisely *but one* of these Communities.

See then, the Conclusion of the whole—Two Societies composed of one and the same Number of Individuals, in which the Personalities and Wills not only *are* but must necessarily *continue*  
and

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and be kept *distinct* are proper Subjects for Compact and Convention with one another. Here being no one Circumstance wanting, either commodious or necessary, for the making any Kind of Civil Compacts most real and obligatory. — I will only add that as the Administrators of the Affairs of each Society can never be the same Individual Men, those *Personalities and Wills*, which *are*, and are *kept up*, distinct, will by every one be easily *perceived* to be so.

This Account of the general Nature of Political Bodies the Objection led me to. But other Uses may be, perhaps made of it. For I am very much mistaken if the not being able to comprehend how the self same Individuals should compose more than one Political Body (as it is certain they cannot, unless Political Bodies have a Personality and Will distinct from the Personality and Will of the Individuals) I am much mistaken, I say, if this hath not given Birth to one of the most pernicious Doctrines that ever infected the Christian Church. I mean *that of some Socinians, who hold the Unlawfulness of Civil Magistracy in a Christian Common-wealth.* Being at a Loss to account for the Original of this absurd Opinion, I was led to examine their best Writers upon the Subject \*. When I plainly saw that it proceeded from their not comprehending how the self-same Individuals could compose more than one real Society; and finding that the Christian Church was a real Society; and that that Society was different from the *Kingdoms of this World*, and independent of them but without coercive Power; they concluded that Civil Magistracy, which is ordained only for the Administration of coercive Power,

\* See Dan. Brenius *de qualitate Regni D. N. J. Christi.*

was

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was altogether unlawful amongst Christians. In this Error they were fixed by another Consideration. They observed the Description of Christ's spiritual Kingdom was made in opposition to the Kingdom of God over the *Jews*; and seeing, in that Kingdom, or Church of the *Jews*, a coactive Power, (for deceived by their Prepossessions and by the close Incorporation of the two Societies, they took *those*, which were really *two* Societies united, to be only *one* Society) and knowing that the *Kingdom of the Son* was the Succession of the *Kingdom of the Father*, they took from thence a mistaken Model of *one Society*; after having refined and spiritualized it from all Civil Magistracy and coactive Power. If this, as I presume it is, be the Case, the detecting the Fountain of the Error may contribute more towards setting Matters right than a longer Confutation in the usual Way of Controversy.

But we must not forget, before we conclude, to observe, — that tho' we have proved, as we presume, in an invincible Manner, from the Nature of Political Society, that two *such*, composed of the self-same Individuals, may enter into as real and firm a Convention as can two Individual Men: yet that the Reality of our Theory as to all its Consequences of mutual Grants Privileges and Concessions above deduced, doth not depend thereon. For the Truth is, an *Union between Church and State* is founded on such solid Principles of Reason, that was there, as we consider there is not, any metaphysical Defect in the Wills and Personalities of two such Societies, so as to render them incapable of entering into a Convention, in the Sense the *Civilians* give to a Convention between two Men; yet *that* would no more affect the Certainty of the Conclusions



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we have drawn from this Union, than the allowed metaphysical Defects in the Definitions of a Point, a Line and a Superficies do affect the Truth of the Theories which *Euclid* erected on those Definitions.

2. The second Observation we shall make is, that tho' there was not only this *metaphysical Defect*, but a total Want, of all Distinction of Persons and Wills; so that there could be *no Contract*; yet *all the Effects* which, we have shewn, do follow an Union *by Contract*; would follow an Union *without Contract*. For the Church being a real Society, (no Argument being to be brought against that Reality but what holds equally against the State's,) must have her *distinct* Rights: but that Reason which proves she hath these before Union, proves she must hold them in Union. Now all the mutual Rights, which, we have shewn, a Church and State in Union do possess, are Rights *peculiar* to them *as Societies*: And not being *arbitrary* Concessions, but following *necessarily* from the Natures of the two such Societies united, there was no need of Compact to confer them.

3. The third Observation we have to make is still as important. It is this, That let this Objection to a real Convention, from the Want of distinct Personalities and Wills in the two Societies, be as strong as we have shewn it to be weak, yet it reaches only to those two Societies under a pure unmixed democratical Form; in which the *Sovereignty* of the Society resides in the whole Number of the Individuals. When both, or either Society is under any other *Form*, the Objection is out of doors. Because then the *Sovereignty* of, at least, one of the Societies resides not in the whole, but in part only of the Body aggregate.

And

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And all Conventions between Societies being made between the Sovereignties thereof, these Sovereignties must needs have two Personalities and Wills, as being composed not of the same but of different Individuals. But few or no Religious or Civil Societies being under this pure unmixed democratic Form, the Objection extends to no actual Union between the two Societies. If it be asked why then is it taken Notice of? I answer, that having all along, to avoid Embarras, and for the sake of Clearness, Precision, and Brevity, considered the two Societies under this simple and primitive democratic Form, I thought it proper to remove an Objection that lay against it, tho' it lay against it only\*.

\* Of what Force it is we have considered above. To which we will here add this further Consideration which these Thoughts concerning a democratic Form of Government afford us.—The Writers of the Laws of Nature and Nations allow, that the second Convention, (as it is called) in a pure democratical State is as real and binding as *that* in a State of any other Form. The second Convention is that whereby Protection and Allegiance are mutually promised by Sovereign and People. Now in a pure Democracy the Sovereign is the whole People: So that the People contract with themselves. And yet is the Contract adjudged most real. On what is this Conclusion founded? On the *very Principle* I lay down to prove the Reality of the Convention between Church and State. Namely *that in entering into Society a fallitious moral Person is created.*—In a Democracy, this Person, which is the Sovereign, is the whole, and with this Person, the natural Persons of all the Individuals convene.



PART III.  
Of a Test-Law.

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SECT. I.



“Magna vis veritatis, quæ contra  
“Hominum ingenia, calliditatem,  
“*sollertiam*, contraque *fiestas om-*  
“*nium insidias*, facile se, per se,  
“*ipsa defendat*”\*. Thus breaks  
out the *Roman* Orator transported with a Fit of  
philosophical Enthusiasm. — This *Force of Truth*  
never appeared with greater Lustre than in the  
present Subject; where, by the sole Assistance of  
a few plain and simple Principles, taken from the  
Nature of Man, and of Political Society, and  
founded on the universal Law of Reason, we have  
disembarrassed this Chaos of Controversy, dedu-  
ced the Necessity and Nature of the Alliance  
between Church and State, and the mutual  
Terms and Conditions on which it was made,  
and shewn how exactly agreeable our own Esta-  
blishment is to such an Alliance: And are now

\* *Tully. Orat. pro Coelio C. 26.*

at length enabled, on the very Principles of our Adversaries, to encounter the formidable Arguments they bring against a *Test-Law*.

The Necessity of a NATIONAL RELIGION was, till of late, one of the most uncontroverted Principles in Politics. The Practice of all Nations and the Opinions of all Writers concurred to make it so. To collect what the best and wisest Writers of Antiquity have said in favour of an *Established Church* would be endless, because the Consent is universal. We shall content ourselves with transcribing the Opinion of two modern Writers in its favour: Who being professed Advocates for the Rights of Mankind, will we presume be the more favourably heard.—“ This, (says one of them) was ancient Policy [*viz.* the Union of the Civil and Religious Interests] and hence it is necessary that the People should have a public leading in Religion. For to deny the Magistracy a *Worship*, or take away a NATIONAL CHURCH, is as mere Enthusiasm as the Notion which sets up Persecution” \*. “ *Toward keeping Mankind in Order* (says the other) it is NECESSARY there should be some Religion professed and even ESTABLISHED” †. But indeed we do not even now find many that will *directly* deny this Necessity. What is it then you will say that thus divides us? It is that unavoidable Consequence of an *Established Church*, in every Place where there are Diversities of Religion,—a TEST-LAW: This it is that makes the Judgments of so many revolt; and chuse rather to give up an *Establishment* than recognize it. with so tyrannical an Attendant. Tho’ it appears, at first View, to be

\* Shaftsbury’s Characteristics Vol. 1. Tr. 1. § 2.

† Wollaston Relig. of Nature delin. p. 124.



so evident that when a Church and State is in Union, he that cannot give Security for his Behaviour to *both*, may with as much Reason be deprived some Civil Advantages, as he *may*, who before the Union cannot give Security to the State alone.

The Matter therefore of greatest Concern remains to be inquired into. Namely, how the Equity of a Test-Law can be demonstrated, on those Principles of the Law of Nature and Nations, by which we have so clearly proved *that* of an *Established Religion*. But here, as before in the Case of an *Establishment*, it is not our Purpose to defend this or that national Form † or Mode, but a TEST in general. By which I understand *some sufficient Security given to the State by those admitted into the Administration of public Affairs, that they are Members of the Religion Established by Law*.

And, in shewing the Justice Equity and Necessity of a *Test-Law*, we shall proceed in the Manner we set out, and have hitherto preserved, of deducing all our Conclusions, in one continued Chain of reasoning, from the simple Principles we at first laid down. We shall therefore now resume the Argument where we left off.

Hitherto we have considered that Alliance, between Church and State, which produces an *Establishment*, only under its most simple Form, *i. e.* where there is but one Religion in the State. But it may so happen that either at the Time of Convention, or afterwards, there may be *more than one*.

† Much less would we be thought to condemn *that*, enforced by the Laws of our own Country. On the contrary, I am persuaded the use of it may be well defended. To him that doubts it, I would recommend that excellent Treatise intit. *A Vindication of the Corporation and Test-Acts*.

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## Of a Test-Law.

III

If there be *more than one* at the *Time of Convention*, the Alliance is made by the State with the largest of the Religious Societies. It is *fit* it should be so, because the larger the Religious Society is, (where the difference is not in Essentials,) the more enabled it will be to answer the Ends of the Alliance. As having the greatest Number under its Influence. — It is *scarce possible* it should be otherwise, because the two Societies being composed of the same Individuals, the greatly prevailing Religion must have a Majority of its Members in the Assemblies of State: Who will naturally prefer their own Religion to all others.

With *this* is the Alliance made. And a full Toleration given to all the rest. But restrained from injuring that which is *Established*, by the Guard of a TEST-LAW.

Hence we may see,

1. The Reason and Equity of the *Episcopal Church's* being the *Established Church*, in *England*, and the *Presbyterian*, the *Established Church* in *Scotland* an Absurdity, in *Point of Right*, which our Adversaries imagined the Friends of an Establishment could never get clear of.

2. From hence we may discover the Duration of this Alliance. It is *perpetual*, but not *irrevocable*, *i. e.* it subsists so long as the Church, thereby Established, maintains its Superiority of Extent; which, when it loses to any considerable Degree the Union is dissolved. For the united Church being then no longer able to perform its Part of the *Convention*, which is formed on reciprocal Conditions, the State, by that Failure, becomes disengaged. And a new Alliance is, of Necessity, entered into with the *now* prevailing Church, for the Reasons before given. Thus,  
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of old, was the Alliance between the *Pagan Church* and the Empire of *Rome* dissolved, and the *Christian* united to the State in its Place: Thus again, in these later Times the Alliance between the *Papist Church* and the Kingdom of *England* was broke, and another made with the *Protestant Church* in its stead.

If these different Religions arise *after* the Alliance hath been formed, whenever they become considerable, then is a *Test-Law* necessary for the Security of the *Established Church*. For when there are Diversities of Religions in a State, each of which thinks it self the only *true*, or, at least, the most *pure*, every one aims at advancing it self on the Ruins of the rest: Which it calls, *bringing into Conformity* with it self. And, when Reason fails, each attempts to do it by the Civil Aid. Which can be only brought about by the Attempter's getting into the public Administration. But when it happens that one of these Religions is *Established*, and all the rest under a *Tolleration*, then it is that these *latter*, still more inflamed, as stimulated with Envy at the Advantages the *Established Church* enjoys, act in consort, and proceed with joint Forces to disturb its Peace. In this imminent Danger, the *Established Church* demands the promised Aid of the State; which gives her a *TEST-LAW* for her Security. Whereby the Entrance into the Administration, (the only Way, that Mischief to the *Established Church* is effected) is shut to all but the Members of that Church. Thus a *Test-Law* took its Birth; whether at, or after the Time of Alliance. And from this Moment is the Justice and Equity of an *Established Church* called in question. But that the State is under the highest Obligations of Justice to provide this Security we shall shew.

SECT. II.

WE have proved the Equity and Necessity of the Alliance between Church and State. We shall therefore make use of this as a Principle, not now to be controverted.

I. By that Alliance, the State promised to protect the Church from all Injuries. It is evident that an Attempt, in the Members of any other Church, to get into the Administration, in order to deprive the Established Church of the Rights it enjoys, either by sharing those Advantages with it, or by drawing all, from it, if it succeeds, is an Injury. And we have shewn above that where there are Diversities of Religions this Attempt will be perpetually making: If therefore the State will perform its Promise of Protection, it must defeat that Attempt; but there is no other Way of defeating it than by hindering its Enemies from entering into the Administration; but they can be hindered only by a *Test-Law*.

II. Further, this Promise of Protection becomes absolutely indispensable. For, Protection was not only made, by the Church, a Condition of Alliance, but the *only, sole* Condition of it. For we have shewn that all other Benefits and Advantages are *foreign* to a Church, *as such*, and *improper* for it. Now the not performing the *sole Condition* of a Convention virtually destroys and dissolves the Alliance. — And this *sole Condition* can be neither unnecessary nor unjust. Not unnecessary, because a free Convention must have mutual Conditions; and this being the sole Condition of one Party, it must needs be necessary. — Not *unjust*, because, having proved the Convention it self to be founded on the *Laws* of Nature and



and Nations, in which Convention mutual Conditions are necessary; and that no other Conditions suit the Nature of a Church; it follows that *this is just*.

III. But still further, The State's Obligation to perform its Promise, is *vastly enforced* by this additional Consideration.—The Church, in order to enable the State to perform this *sole Condition* of Protection, consented to the giving up its Supremacy, and Independency, to the State. Whence it follows, that whenever the Enemies of the Established Church get into the Legislature, to which, as we said the Supremacy of the Church is by the Alliance transferred, she becomes a Prey to them and lies entirely at their Mercy. Being now, by the Loss of her Supremacy in no Condition for Defence as she was in her natural State, unprotected and independent. So that the not securing her by a *Test-Law* is betraying her, and the delivering her up bound to her Enemies. Thus have we shewn the Obligation the State lies under, from Compact, of providing a Test-Law for the Security of the Established Church. And by enforcing this Obligation, from the last Consideration, we have obviated the only Objection that could be made to our Account of this Condition of Protection. Namely,—“ That if an Union between Church  
“ and State be so necessary for the well being  
“ of Civil Society, as we have represented it to  
“ be, how happen'd it, that that universal Cha-  
“ rity to Mankind, which is the great Characte-  
“ ristic of true Religion, could not engage the  
“ Church to enter into Union, without standing  
“ upon Terms of Advantage to it self: Especi-  
“ ally such as necessarily introduce a Test-Law,  
“ so full of Inconvenience to the Subject?

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This Objection, tho' already obviated, we shall answer in Form. 1. We say, that Religion constituting a Political Society, and it being of the Nature of Political Society to seek Support from Alliances, the Church was in a proper and reasonable Pursuit, when it aimed at its own Advantage in this Convention. 2. We say, that as Man, when he entered into Civil Society, necessarily parted with some of his natural Rights, so the Church when it entered into Union with the State did the same. The Right, she parted with, was her Independency, which she transferred to the Civil Sovereign. For no Union, can be made between two such independent Societies, till *one* has given up its Independency to the other; and that which is to part with it must be, according to the Law of Nations, the less powerful Society. Which is the Church. Now as Man received an equivalent for the natural Rights he gave up, so, in all Reason, should the Church. 3. But lastly, we say, the Church could not enter into Union, and not stipulate for this Condition, without concurring to its own Destruction.—We have shewn just before, that the Dependency of the Church, on the State, necessarily follows an Union; and, in the preceding Paragraph, that where a Church, in this Condition, without Means of Defence in it self, hath Enemies in the Legislature, she must expect Destruction. Now the great Law of Self-Preservation obliges her to provide against it. But no other Provision can be made than engaging the Protection of the State. Therefore we conclude that the Church's stipulating for that Protection, was, not only, what she in Justice *might*, but what in Duty, she was *obliged* to do.

Here we might have concluded our Inquiry; having, in a continued Thread of Reasoning,

drawn from the most simple Principles, concerning the Original and the Nature of Civil and Religious Society, quite thro' an Established Religion, arrived, at length, to this great Conclusion, *that a Test-Law is just, and equitable.* But that nothing may be wanting to put so momentous a Matter out of Controversy,

We proceed, in the next Place, to shew that had no promise of Protection been made the Church, yet that the State, for its own Security, would have lain under the most indispensable Necessity of providing a Test-Law.

It has been observed, that wherever there is diversity of Religions, each Sect, believing its own the truest, strives to advance it self on the Ruins of the rest. If this doth not succeed by force of Argument, the Partisans are very apt to have Recourse to the coercive Power of the State. Which is done by introducing a Party into the public Administration. And they have always had Art and Address enough to make the State believe that its Interests were much concerned in their Religious Differences. What Persecutions, Rebellions, Revolutions, loss of Civil and Religious Liberty, these intestine Struggles between Sectaries have produced, in every Age, is well known to those acquainted with the History of Mankind.

To prevent these Mischiefs was, as we have shewn, one great Motive for the State's seeking Alliance with the Church. For the obvious Remedy was, the Establishing *one* Church, and giving a general Tolleration to the *rest*. But if, in administering this Remedy, the State should stop short, and not proceed to exclude the tollerated Religions from entering into the public Administration, such imperfect Application of it would  
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infinitely heighten the Distemper. For, before the Alliance, it was only a mistaken Aim in propagating Truth that occasioned these Disorders: But now, the Zeal for Opinions would be out of Measure inflamed by Envy and Emulation; which the temporal Advantages, enjoyed by the Established Church, exclusive of the rest, always give Birth to. And what Confusion this would produce, had every Sect free Entry into the Administration, is easier conceived than expressed. He who would see a lively Image of the intolerable Mischiefs, that arise from thence to Civil Society may read two Tracts wrote by a great Wit in Defence of the *Irish Test*; and particularly that fine Discourse above referred to, intitled a *Vindication of the Corporation and Test Acts*.

Now this being the inevitable Condition of every State with Diversity of Sects, where there is an *Established Religion*; unsupported by a Test-Law, and an Established Religion being proved indispensably necessary to Civil Society; we must conclude, the State has the most pressing Reasons to provide a Test-Law, as well for its own Security as for the Church's. If it be said that would Men content themselves, with enjoying their own Opinions, as Reason dictates they should, without endeavouring to obtrude them upon others, these Evils would never happen: And, consequently, there would be no Occasion for a *Test-Right*.—And so would Men but observe the Rule of Justice in general, there would be no need to have Recourse to Civil Society to remedy the Neglect.



## SECT. III.

Our Argument now leads us to give the Reader some good Account of the principal *Objections* made, by our Adversaries, against the Equity of a *Test-Law*: The Way being cleared to a ready and satisfactory Answer.

I. Their first *Objection*, the *Palladium* of the Cause, is this, — *That to abridge a Citizen of his Civil Rights for Matters of Opinion is a Violation of the Law of Nature.*

This being a Conclusion founded on these two Propositions, 1. *That Opinions cannot be punished, because Punishment can be inflicted only for Matters in which the Will is concerned, and the Will is not concerned in Matters of Opinion.* 2. *If Opinions could be punished, they are not within the Civil Magistrate's Jurisdiction; his Care extending only to Bodies:* If we can make it appear that they give no Support to the *Objection* we must conclude it false and groundless.

We say then to the first Proposition, — that it is indeed universally true: But that it is not at all applicable to the Case in Hand; the Disqualification, by a Test-Law, being no Punishment in the true Sense of the Word, which is *that* employed in the Proposition. To the *second* we say, — that it is not universally true: For that when Opinions do, directly and necessarily, affect the Peace of Society they do come within the Magistrate's Jurisdiction; and that this Exception takes Place in the Case before us; the Opinions, which a Test-Law makes Matter of Disqualification, directly and necessarily affecting the Peace of Civil Society.

1. Our first Assertion we thus prove,— Evil of all Kinds, and whencesoever proceeding, Man has, by Nature, a Right to repel. Evil that proceeds not from the Will is called a *Mischief*; and may be simply *repelled*, and this is called *Restraint*: Evil that proceeds from the Will is called a *Crime*; and may, not only, be repelled, but have additional Pain, more than sufficient for the Repulsion, inflicted on the Author; and this is properly called *Punishment*. That Punishment should not be inflicted for a Mischief, that is, for an Evil in which the Will is not concerned, is plain from hence.—The *End* of that additional Pain more than is sufficient for *Restraint* called Punishment, being for *Vengeance on the Offender*, and for *Example to deter others*, it would be absolutely unjust to inflict avenging Pain for what was involuntarily committed; and altogether impertinent to attempt to deter, by Example, from involuntary Actions. The utmost therefore that can be inflicted for a Mischief is *Restraint*, that is, just so much Pain, when the Mischief proceeds from a rational Animal, as is necessary to repel that Mischief. Thus is *Restraint* properly annexed to Mischief and Punishment to Crimes.

Such distinct and precise *moral Modes*, one would think, were not very easy to confound. And yet they have been confounded; to the great Obscurity of our Reasonings, on these Subjects. It is true, while they are considered, in their Application to irrational and rational Agents, the Distinction is seldom mistaken; but when they are both applied to rational Agents, then it is that Men begin to confound the Ideas, and neglect and lose the Marks of Distinction. For 1. *Pain* being an inseparable *Idea* in Punishment, and every *Restraint* of a rational Agent having some Degree

Degree of Pain attending it, this Idea common to both, led them to think the two Terms synonymous. 2.—*Restraint* of a rational Agent being defined to be an Infliction of just so much Pain as is necessary to repel the Evil, and *Punishment* to be an Infliction of more than is necessary for that Purpose, Men considered the Difference as only from less to more: And applying *this* to Mischiefs and Crimes set together in Comparison, instead of applying it to them, separately, even *this small Difference* was lost and confounded. Because where the Mischief is vastly more obstinate, and difficult to eradicate than the Crime, there the Pain attending the Mischief must be *more* than that attending the Crime. The Use and Solidity of our Distinction may be illustrated by this Example. There are four Sects whose Principles, our Adversaries won't deny, ought to be restrained.—The *Atheist*, the *English Papist*, the *German Anabaptist*, and the *Quaker*, all hold Opinions pernicious to Civil Society. But these being of different Degrees of Malignity must have different Degrees of Restraint. The *Atheist*, who is incapable of giving Security for his Behaviour in Community, and whose Principles directly overthrow the very Foundation on which it is built, should certainly be banished all Civil Society: The *English Papist*, who owns an Ecclesiastical Power superior to all temporal Dominion, should not be tolerated in any Sovereign State: The *German Anabaptist*, who holds all capital Punishment to be sinful, should be debarred the Magistracy: And the *Quaker*, who believes all defensive War to be unchristian, should be excluded the common Liberty of residing in frontier Places, in States on the Continent. Now these different Degrees of Pain do

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not make one a *Punishment*, and the other, a *Restraint*, but, being every one proportioned to the Malignity of their respective Evils, and no more than what is just necessary to repel them, they are all equally Restraints only. But now extend these Pains and Penalties to the burning the Atheist; to the banishing the Papist; to the denying Civil Protection to the Anabaptist; and Religious Tolleration to the Quaker; and then, notwithstanding the same Diversity of Degrees, they are all *Punishments* and none mere *Restraints*. Because more Pain is, in every Case, inflicted than was necessary to repel the respective Evils.

We are next to shew that the Pain inflicted by a Test-Law, is no more than necessary to repel the Evil of Diversity of Sects in the Administration; and, consequently, that it is a *Restraint* only. To make this evident, let us suppose a Person able in one certain Place only to do Mischief, and that he is disposed to do it: To repel this Evil, it is plain, there is no other Way, than by debarring his Entrance into that Place. This Means then, is necessary, but what is necessary to repel an Evil is a *Restraint* only. But was this Pain extended, and because he can do Mischief in one Place he is to be debarred Entrance into ten, then the Pain becomes a *Punishment*, because more than necessary for repelling the Evil. The Case in Hand is exactly parallel. Diversity of Sects can do Mischief only by getting into the Administration: To keep them out then, for the Reasons above, is only a *Restraint*. But was their Civil Incapacity extended further, then it becomes a *Punishment*. But, by the Test-Law, the Incapacity is not further extended, therefore is it no *Punishment* but a *Restraint* only.



2. We come now to our second Assertion, and say, that it does not hold universally true that the Civil Magistrate hath nothing to do with Opinions; for that when they directly and necessarily affect the Peace of Civil Society the Coertion of them is in his Jurisdiction, even by the Confession of our Adversaries themselves. Which would they keep to, ingenuously, we should take on their Words, and proceed. But it is to be observed, that tho' they allow this Maxim in general, yet they can rarely be brought to own its Fitness in any particular Application. Which would tempt one to think, that the evident Mischiefs from some Opinions forced this general Confession from them; but that the Belief that Reason and Truth were violated by the Magistrate's interfering in Opinions, was what withheld them from owning the fitness in any particular Instance. I will in Charity rather suppose this to be the Case, than a Licentiousness of Spirit, impatient of all Restraint. And shall therefore endeavour to convince them that this Coertion, which all Parties agree to be necessary is likewise reasonable and safe.

Not at present then to insist on the Argument of its Justice drawn from its Necessity alone, we say, that—the End of every rational Creature is Happiness: And that the then End of such rational Creatures, as are destined to two separate States of Existence, is the Happiness of that State in which they are existing. Otherwise the good of the Creature in that Station was not consulted by his Creator. But as this cannot be said, consequently whatever opposes the Attainment of *that* Happiness must be repelled, because the Purpose of the Creator would be, otherwise, defeated.—If these Creatures, (as Man) are not only destined to two separate States of Existence, but are composed

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posed of two different Natures, then the States must not only be separate, but different in Kind; consequently, so must be the Happiness attendant on each State. But if the Happiness, so must the Means of attaining *each* be likewise different. Thus the Means of attaining Man's Happiness *here* is Civil Society; the Means of his Happiness *hereafter*, Contemplation. If then Opinions, the Result of Contemplation, obstruct the Effects of Civil Society, it follows, that they must be restrained. Accordingly, the ancient Masters of Wisdom, who, from these Considerations, taught that Man was *born for Action* not for *Contemplation*, universally concurred to establish it as a Maxim founded in the Nature of Things, *that Opinions should always give Way to Civil Peace.*

Again, if God destined Man to two such States of Existence, in each of which the Happiness of the existing State was to be his End, it is demonstrable, and almost self-evident, that he at the same Time so disposed Things that the Means of attaining the Happiness of one State should not cross or obstruct the Means of attaining the Happiness of the other. From whence we must conclude, that where the supposed Means of each, namely *Opinions* and *Civil Peace* do clash, there *one* of them is not the true Means of Happiness. But the Means of attaining the Happiness peculiar to that State in which the Man at present exists, being perfectly and infallibly known by Man; and the Means of the Happiness of his future Existence, as far as relates to the Discovery of Truth, but very imperfectly known by him; it necessarily follows, that wherever Opinions clash with Civil Peace, those Opinions are no Means of future Happiness: Or in other Words are either no Truths, or Truths of no Importance.

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Thus have we proved, that the Magistrate's Restraint of Opinions, which are mischievous to Civil Society, is reasonable and safe. Desiring to be understood, when we speak here of a rational Creature, to mean the Species; and when we speak of a Civil Society, to mean such as is formed on the Principles of public Liberty and natural Rights. For to unjust and unnatural Governments the most momentous Truths will be mischievous and destructive. Their End being private, not public Utility. It is never then, but where the Society is on legitimate Foundations, that its Peace is to be preferred to Opinions; and there that Preference will be always reasonable and just.

We shall now shew that what a Test-Law restrains doth directly and necessarily affect the Peace of Civil Society.

Where a Religious Principle of some certain Sect is particularly opposed to some one fundamental Maxim or Usage of Civil Society the Malignity of it is seen by every one. Thus, in the Case of those Opinions respectively held by the Atheist, Papist, Anabaptist and Quaker, mentioned above, there are few who see not their pernicious Consequences, or will not own the Restraint of them to be necessary. But where a Religious Principle opposes, not one certain Maxim or Usage but, the general Nature and Constitution of Civil Society, the Mischief of it is not so commonly observed; and if it opposes not so much the Nature of Civil Society, considered alone, as when it is in Union with the *other*, the Mischief will be less seen: But and if this Religious Principle be not a Principle peculiar to one Sect but, common to all, the Mischief will be still less observed and seen. This is the Case with

with Regard to the pernicious Principle which a Test-Law restrains. It being, as we have observed, what sets every Sect on attempting to establish it self on the Ruin of all the rest.

On these Accounts our Adversaries see the Necessity, and seem to applaud the Justice of Restraint, in the first Case; and in the other, cry out against the unreasonable Tyranny of subjecting several Sects to Civil Incapacities which hold no *peculiar* Opinions pernicious to the State. Not seeing that that was not the only legitimate Reason that could be urged for the Equity of a Restraint. For where is the Difference, with Regard to the State, between the Principle's being peculiar to one Sect or common to all; between its injuriously affecting one certain Maxim or Usage, or the whole Frame and Composure of a State in Union with a Church: If so be the Restraint be common to all as well as the Principle. Henceforth then we hope to hear no more of the Injustice of Civil Incapacities on a Sect which holds nothing *peculiar* that can injuriously affect the State.

Having now quite overturned the two Propositions on which this famous Objection stands it will give us no further Trouble, as leaving us at Liberty to conclude, *That to abridge a Citizen of his Civil Rights for Matters of Opinion, which affect Society, is no Violation of the Law of Nature.*

But if, after all, our Adversaries will obstinately persist in maintaining a *Test* to be contrary to the Law of Nature; we dare undertake to vindicate it, even in that Sense; as having the universal Practice of Mankind on our Side, who have, for the Sake of Civil Society, in their municipal Institutions, ventured to deviate from the Law of Nature; and this, with as universal an

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Approbation. But, to avoid Obscurity, it will be necessary to tell the Reader in what Sense we understand the *Law of Nature*. For a certain illiterate Species of Writers have in this, as in most other Matters which they have undertaken to handle, done their best to confound all Ideas, and remove the Marks and Boundaries of Science: While they make the *Law of Nature*, as it respects Man alone, (for that, at present, we have only to do with,) to signify that which right Reason, taking in all Circumstances, dictates, in every Case, to be done. Thus confounding the Law of Nature with *Civil*, and all other Laws. And in this Sense our Inquiry into the Conformableness of a Test to the Law of Nature after we have proved a Test reasonable and just, would be idle and Impertinent. But we, by the LAW OF NATURE as it respects Man only, follow the Signification in which it has been used by all the wise and learned Writers on Natural and Civil Laws, from *Plato* and *Aristotle* down to *Hooker* and *Puffendorf*: And mean, that which Reason prescribes under the sole Consideration of men's Nature, and their mutual Relation to each other, whether in or out of Society, without any Regard had to the peculiar Frame, Genius and Constitution of Civil Policy. Which last Consideration is peculiar to Civil Laws. And in this Sense, an Inquiry concerning the Conformity of a Test to the Law of Nature is very pertinent.

We say then, that it is a Practice as approved as it is universal, for States, in Compliance to the Necessities of Society, to form many of their Municipal Laws in direct Contrariety to what the Law of Nature prescribes. The Writings of the Civil Lawyers, and of those who treat of  
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the Laws of Nature and Nations, are full of these Cases, where the Laws of Civil Society in general, not of this or that Particular State, are total Deviations from what the *Law of Nature* directs. To enumerate those Cases would be endless. I shall content my self with giving one or two. The Case of that *Civil Acquisition* called *PRESCRIPTION* is very famous. *Prescription* is, when a Man, by enjoying for a certain Course of Time without Opposition, the Property of another, but possessed by him *bona fide* and by a lawful Title acquires in that others Property, a full Right, in such sort, that the true Proprietor has no longer any Claim to it, or Civil Action for the recovery of it. Now this by the generality of Writers is agreed on to have its sole Foundation in the *Civil Law*. The incomparable *Cujas* says expressly \* — *That the Law of Prescription directly contradicts the Law of Nature and Nations, because the true Proprietor is dispossessed of his own, without his Consent.* And indeed nothing can be more evident. For what I once had a Right to, I must ever have, till I resign transfer or forfeit it by a direct Act of the Will. What then was it that occasioned in all States this Deviation from the Law of Nature? What else but public Good, the Peace of Civil Society, the avoiding Disorder, and stifling the Seeds of Chicanery and Process. It is of the highest Concernment to the State that its Citizens be assured of their Possessions without Contest. But how can there be any Certitude if the ancient Owner hath for ever the Liberty of making out his Claim, and a Right to be restored to it. This would entirely destroy all Commerce and Intercourse be-

\* Cujacius ad l. 1. Dig. de usucapion.

tween Citizens. For who would purchase any Thing if at all Times after, old Claims might be heard? In a Word, the Law of Prescription is so very evidently against the Law of Nature, that those who deny it are forced to have Recourse to that ridiculous Signification of the Law of Nature above taken Notice of. *For they say Prescription is not against the Law of Nature because that Law orders, in every Thing, what Reason says (all Circumstances taken in) is fit to be done.* Now which Way soever this Law of Prescription is defended, whether by owning it to be against the Law of Nature, and justifying the Deviation by public Utility, or by denying it to be against that Law as here understood, the Defence will serve equally for a Test-Law, tho' we should own it to be equally against the Law of Nature, which we do not: Having largely proved that it is perfectly agreeable to that Law in its exact and true Signification.

I will beg leave to give another Instance of this universal Practice, that some, perhaps, may think to come more perfectly up to the Case in Hand. When Man entered into Society, and *Property*, in Consequence thereof, was thoroughly regulated and established, several Things were left out in the Division, and *still continued* to become, by Right, as in the State of Nature, the Acquisition of the first Occupant. Amongst these were wild Creatures, called by the Lawyers *FERÆ NATUREÆ*. Notwithstanding this, all States have concurred, against the Law of Nature, to enact *GAME LAWS* whereby the Right of Capture is forbid to all not so particularly qualified. And the Reason of the Prohibition was, because it was not at all for the *public Good* either to suffer Peasants and Mechanicks to run up and down the Woods

Woods and Forests armed ; which not only brings them to neglect their proper Trades and Employments to the Damage of the Public and of their Families, but, in Time, inevitably draws them on to Robbery and Brigandage: Or to permit the Populace, in Towns and Cities, to have, and carry *Arms* at their Pleasure, which would give Birth and Opportunity to Tumult Commotion and Sedition.

Now in this Instance, so exactly parallel with a Test, every one sees the Justice and the Reason of the Deviation. How happens it then that those who see this won't see the same in a Test Law? Nothing but this, Religion is mixed in this latter Affair, and the Jealousie Men have been of late taught to entertain of its Encroachments will give them no Room to judge impartially. Otherwise could one think it easier for an honest poor Man to qualify himself, as the *Game-Law* requires, for a Participation of these natural Rights, than for a Dissenter to qualify himself, as a Test-Law requires, for a Place in the Government? Or would one not know that *all* are justly concluded by a Test-Law, as well as by a *Game-Law*, by having given their Consent by themselves, on their Deputies, to its enacting. But the Truth is, Parties must always have a Watch-word to carry on their Business. There was a Time, and that not long since past, when the Word was the DANGER OF THE CHURCH. This served tollerably well while it was seen Religion had any Influence on the Mind; but since a general Spirit of Liberty has began to prevail, it has been thought necessary to change the public Cry, and we now hear of nothing but the *Violation of the Law of Nature*, and that our CIVIL RIGHTS ARE IN DANGER.

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This



This great Objection to a Test, from the Law of Nature being the Bulwark of the Cause, the Reader will excuse the Length we have been drawn into. But having now, as we presume, entirely rased it, we shall dispatch the remaining Objections in fewer Words.

II. The next is—*That a Test-Law is injurious to true Religion, by encouraging one Set of Opinions, and discouraging the rest, which is clapping a false Bias on the Mind, that in its Search of Truth, ought to be left entirely free and disengaged.*—But we do not despair of making it very evident that a Test is so far from being injurious to true Religion, that it is, in the whole, highly serviceable to it.

Let us 1. Then examine how the Discouragement affects it. Now admitting the *Tollerated Religion* to be the true; and that several of its Members, under the Discouragement of a Test-Law, will, for the sake of Civil Advantages, leave it, and come over to the *Established Religion*; we must yet conclude that, considering the Smallness of the Discouragement in continuing of the true Religion, *such* who leave it on that Account and knowingly embrace a false; must be the most unworthy and most abandoned of Men. Men, that while they continue of the true Religion must disgrace and otherwise highly injure it. Unless it be supposed to be more for the Interests of true Religion to have large Crouds, though of false and unworthy Members, than Numbers of sincere Professors. Which is so monstrous a Supposition that even vulgar Notions seem not to countenance it. It being commonly understood that true Religion was in a more-flourishing Condition in the primitive Age of Christianity when its Professors were few and sincere, than in any since, tho' since, it hath overspread the Universe.

So

So that it appears from hence to be highly for the Interests of true Religion to have such a Touch-Stone or Criterion as the *Test* to discriminate its sincere from its corrupt Members. Which, on this Account, can be no more said to be injurious to it than Fire is to Gold, when, in trying the *Oar*, it reduces its Bulk, but refines it from its Dross. It is most evident then that this Objection cannot with any shew of Reason be made by a Member of the *Tollerated Religion*.

2. Let us next see how the *Encouragement* affects true Religion. Our Argument now leads us to suppose the *Established* the *true*. But if, according to the Supposition, it be the true, is it not for the Benefit of Mankind in all his Interests, that it should be supported by Civil Power? And can it be supported without a Test? But to wave *that*, at present, we ingenuously confess that, as we have observed before, the Essence of Religion consisting in the interior Impression it makes upon the Mind, the bringing in Members, who make only an outward Profession, is injurious to Religion. However, we see, no one has Reason to make the Objection but those of the *Established Church*. But considering the *Smallness* of the *Encouragement*, and the Probability of the Conformities being on Conviction, for the Case supposes the *Established Religion* the *true*, we have no Reason to think this Injury can prove of Moment. Be this as it will, is it fit so great a Benefit to Civil Society, as we have proved this to be, should be lost on Account of the Injury it accidentally occasions? It will be Time enough to hearken to what our Adversaries have to say, on this Head, when they bring us an Instance of any one Signal Benefit to Mankind, in the Improvement of moral Life, that is not attended with some

Inconvenience. Till then, we shall, perhaps, think ourselves at Liberty to support an illustrious Improvement of Civil Life, tho' it be not exempt from that common Lot to which all humane Things are subject.

But, 3. Admit some small casual *Harm* may be derived from hence to Religion, it is not only abundantly compensated by those vast Advantages accruing to the State therefrom, but likewise infinitely out-weighed in the *good* done to Religion by *an Establishment* on which a Test is built, and from which it necessarily flows. We have shewn, and it cannot be too much inculcated, that the State espoused, and entered into Alliance with, the Church for the sake of public Utility: We have proved, and it cannot be too oft repeated, that public Utility and Truth do coincide. That they do so, in general, is demonstrable from our Idea of the *first Cause*: That they do so in particular, with Regard to Man, we have made appear above, in speaking of his two separate States of Existence. If they do coincide, then, Falsehood, the Reverse of Truth, must be destructive of public Good. The Consequence is that the State must for the sake of public Utility, seek Truth and avoid Falsehood: And knowing perfectly in *what* public Utility, which is a sure Rule and Measure of Truth, consists, she will be much better enabled to find out Truth than any speculative Inquirer with all the Aid of the philosophic Maxims of the Schools. From whence it appears, that while a State in Union with the Church, hath so great an Interest and Concern with true Religion, and so great a Capacity for discovering what is true; that, *Religion* is likely to thrive much better than when left to it self. Which we have fully shewn in treating

treating of the first Motive the State had to seek an Alliance with the Chnrch.

If it should be still urged, that tho', indeed, true Religion be not injured by a Test, yet particular Men are, as having a *false Bias clapped on their Minds*, which draws them, by Hopes and Fears, from the *true* to the *false* Religion.—We reply, that were the Rewards and Discouragements of a Test-Law so great as to make those who complied *not* with their Threats and Invitations uneasy in Civil Life, and, consequently those who *did*, to succumb thro' mere humane Frailty, the Observation would be somewhat plausible. But when these Rewards and Discouragements are so small as to tempt only the most profligate and abandoned no Injury is done. For such Men have no pretence of Right to be put under Cover from so slight a Temptation.

III. The third Objection is—*That a Test-Law may endanger Religious Liberty. For if, for the Good of the State, all, but those of the Established Religion, may be kept out of the Administration, then for the same Good, if Reasons of State so require, they may be restrained, the Exercise of all but the Established Religion. And a Pretence will not be wanting, for it is most certain that Diversity of Sects oft produce the worst Consequences to a State.* To this we reply, 1. That tho' we have reasoned from the Good of Society, to prove the Necessity of a Test, yet that was not till after we had shewn the Justice of it from the clearest Principles of the Law of Nature and Nations. But those Laws oppose the taking away Religious Liberty, that is, Freedom to worship God according to one's own Conscience, on any Pretence whatsoever. 2. But we say further, that those very Principles of the Law of Nature and Nations, which we have



have laid down, in the first Part, to prove the Equity of an Established Religion and a Test-Law, and on which our whole Theory rests and depends, do, in an invincible Manner, establish the divine Doctrine of TOLLERATION, or the Right of worshipping God according to one's own Conscience. So that this Discourse is so far from giving any Entry, as the Objection supposes, to the Infringement of *Religious Liberty*, that it lays the Foundations of it on the only solid and impregnable Ground. For on these two cardinal Principles, on which as on two Hinges our Theory is raised and turns, namely—*That the State hath only the Care of Bodies and the Church the Care only of Souls*—And *that each Society is Sovereign, and independent of the other*, is demonstrably deduced the *indefeasible* Right of Religious Liberty. He who would see the several Parts of this Demonstration at large, and cleared from the plausible Sophistry of an able Adversary must read the *Letters concerning Tolleration*. 3. We say that now an easy Answer is given to the Argument of *Necessity of Conformity from the Danger of Diversity of Religions to the State*, hinted at in the Objection. For the Malignity of that Diversity arises solely from the Infringement of Religious Liberty. Do but once grant a Tolleration, as the Law of Nature and Nations require, with the Establishment of *one*, and an Exclusion of all the *rest* from the public Administration, and the Evil vanishes, and *many* Religions become as harmless as *one*. It being only the tyrannical Usurpation of the State, upon the Rights of the Church, that made Diversity of Opinious mischievous and malignant. 4. But lastly, we say, that, even on our Adversaries Supposition, the Objection has no Force. For had we justified a  
*Test-Law*

*Test-Law* only by Arguments drawn from the Good of the State, yet this very Principle, if pursued, would be so far from endangering Toleration that it would secure it. For to make Religion serviceable to the State, which is the great End of an *Establishment*, it must make a *real Impression* on the Mind, this is evident from what we have observed in the first Part. Now Religion seldom or never makes a real Impression on the Mind of those who are forced into a Church; all that forcing to outward Conformity can do is to make Hypocrites and Atheists. Therefore for the sake of the State the Profession of Religion should be free. Hence may be seen the strange Blindness of those Politicians who expect to Benefit the State by forcing to outward Conformity: Which, making Men irreligious, destroys the sole Means a Church has of serving the State. But here, by a common Fate of Politicians, they fell from one Blunder to another. For having first, in a tyrannical Humour or superstitious Fondness to their own Scheme of Worship, impinged upon Religious Liberty: And then beginning to find, (as it always will happen when the Rights of Religion are violated) that Diversity of Sects was hurtful to the State; instead of repairing the Mistake and restoring Religious Liberty, which would have stifled the pullulating Evil, by affording it no further Nourishment; they took the other Course, and endeavoured, by a thorow Discipline of Conformity, violently to rend it away; and, with it, they destroyed all that Good which Religion is so naturally capable of imparting to the State.

IV. The last Objection is—*That a Test-Law is the novel Invention of a barbarous and slavish Gothic Policy: Unknown to the polite and happy Ages*

of  
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of Greece and Rome, when Civil and Religious Liberty flourished beyond Compare. So near as I am now to the Conclusion of my Discourse, it would stay me too long to detect our Adversaries gross Errors concerning the Condition of Religious Liberty in the ancient World: Upon which Errors this Objection is built. It shall suffice, at present, to tell them they are mistaken in their Fact. These happy People had, like us, their *Establishments* and *Test-Laws*.—Tho' it may perhaps a little surprize them, we can't forbear telling them that even *Athens*, their *Athens*, so flourishing and free, had, in its best Times, a Test-Law to secure the Established Religion. Which was exacted of all their Youth. For, *Athens* being a Democracy, every Citizen had a constant Share in the Administration. And a Test it was of the strongest Kind, being by Oath. A Copy of which we have preserved in *Stobæus* ‡, who transcribed this inestimable Fragment from the Writings of the Pythagoreans, the great School of ancient Politics, as we shall see in the Work so oft before referred to. By this formulary, after each Man had sworn—ΑΜΤΝΩ ΔΕ ΥΠΕΡ ΙΕΡΩΝ I WILL DEFEND AND PROTECT OUR ALTARS, (in Consequence of the Obligation the State lies under to protect the Established Religion,) he concludes

‡ Οὐ καίτοι οὐκ ὅπλα τὰ ἱερά, εἴδ' ἐκκαλεσάμενος τὴν παρθε-  
 τῶν, ὅταν ἂν εὐχίσσῃ. ΑΜΤΝΩ ΔΕ ΥΠΕΡ ΙΕΡΩΝ, καὶ ὑπὲρ ἐστί-  
 αν, καὶ μόνῳ καὶ μὴ πολλῶν. τὴν παλαιοὶ δὲ ἐκ ἱλῶσιν παρθεδώσω,  
 πλείων δὲ καὶ ἀρείων, ὅσῳ ἂν παρθεδίξωμαι. καὶ δόκησῃ τὴν αἰ-  
 νίαν ἱμεροφάνειαν, καὶ τοῖς θεοῖς τοῖς ἱερῶν προσημαίνω, καὶ ἔς τι-  
 νας ἂν ἄλλους τὴν πλεονεξίαν ἱμεροφάνειαν. καὶ ἂν τις ἀναιρεῖ τὴν θεο-  
 μῆνιν ἢ μὴ πείθῃ, ἐκ ἐκκαλεσάμενος, ἀμυνῶ δὲ καὶ μόνῳ, καὶ μὴ πάντι.  
 καὶ ΙΕΡΑ ΤΑ ΠΑΤΡΙΑ ΤΙΜΗΣΩ. Ἰσοκρίτης θεοὶ τέτων. Joan. Sto-  
 bæi de Repub. Serm. xli. p. 243. Edit. Lugdun. 1608.

his

his Oath with these memorable Words, *ΙΕΡΑ ΤΑ ΠΑΤΡΙΑ ΤΙΜΗΣΩ* I WILL CONFORM TO THE NATIONAL RITES. The most direct, express, and strongest of all Tests. So that those, with whom the Authority of the wise Ancients have so much Weight, will, we hope, from this Example in the *wisest* of them, begin to entertain a better Opinion of a Test-Law and of a Religion so Established.

SECT. IV.

**B**UT these affected Idolizers of *Greece* and *Rome* neglect to imitate them in the most amiable Part of their Character, which was a Spirit of Beneficence towards Mankind that made them always prefer public Utility to private Speculations; and manifest their Love to their Country by the highest Veneration for its Established Institutions. This Difference in the Conduct of the ancient and modern Masters of Wisdom hath been oft observed to the Discredit of the latter. But is no where touched upon with greater Force than in the late *Enquiry into the Life and Writings of Homer*. “The Wise and Good amongst the Ancients, (says this fine Writer) had Religion for their Theme and the Service of Mankind for the End of their Song. How unlike is this to some late Writers of our own Growth! Who, I hardly know for what End, have written against the Religion of their Country; and without pretending to substitute any Thing better or more practicable in its Place would deprive us of our happy *Establishment* meerly, as it would seem, for the Pleasure of putting down and doing Mischief”\*. And again—

\* P. 77.

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“ They



“ They (the Ancients) looked upon this (Religion) as the great Bridle of the Multitude, to whose Passions, they knew they were obliged to speak, and could never pretend to govern them by Reason and Philosophy: But many of the *Moderns* who would fain be thought *wise*, employ their Talents and Learning, such as they are, to very different Purposes\*.

But then, on the other Hand, we hear them† perpetually applauding those wise People for that full and free Toleration of Religion, universally allowed and approved of amongst them; so agreeable to the Principles of Truth and public Utility. And this, in order to put an Affront on the *Christian Religion*, which, by a Comparison of its contrary Practice, they would insinuate to be built on contrary Principles. To this *unsociable Humour* as they call it, of Christianity, is owing, they say, all the public Mischief arising from Diversity of Sects, which, before this, was perfectly innocent. Hereby, again, insinuating the Injustice of a Test-Law, which was opposed to these Mischiefs. For these arising from a Religion built on Principles contrary to Truth and public Utility they conclude the genuine Method of opposing those Mischiefs is, not by a Test, which bears hard on the Rights of the Subject, but by eradicating the *Cause*. Hence their *Endeavours to overthrow the Religion of their Country*. This stale Objection to Christianity as compared, in this Light, to Paganism, has been so often and so triumphantly produced, the Reader will pardon me if I employ a few Words in its Confutation; which, I hope to do in so effectual a Manner that we shall never hear more of it.

\* P. 145.

† See Characteristics v. 1. P. 18. &amp; alibi passim.

We shall shew then that this good Effect in Pagan Religion, namely the Practice of universal Tolerance proceeded from its great Absurdity and Falsehood; and that the Evil Effects in the Christian, namely Intolerance and Persecution proceeded from its Truth and its Perfection,—not the natural Consequence of a false Principle, but the *Abuse* of a good one.

Ancient Paganism was an Agregate of several distinct Religions, derived from so many pretended Revelations. These as they were not laid on the Foundation, so they were not raised on the Destruction of one another.—*The abounding in Revelations* proceeded from the great Number of Gods Men had invented.—*The Revelations were not built on one another*, because having given their Gods, (as local, tutelary Deities,) contrary Natures, Dispositions, and Interests, each God set up upon his own Bottom, and held little in common with the rest. — *They were not built on the Destruction of one another*, because, as hath been shewn in the second Part, the several Religions of Paganism did not consist in Matters of Belief and a dogmatic Theology, in which, where there is a Contrariety, Religions destroy one another; but in Matters of Practice, in Rites and Ceremonies; and, in these, a Contrariety did no Hurt; for having given their Gods contrary Natures and Interests, where was the Wonder there should be a Discordancy in their Commands, and that one should think *this* no Mark of another's false Pretensions? These were horrible Defects in the very Essence of their Theology; and yet, from these, would necessarily, and did arise an *universal Toleration*. For admitting each other's Pretensions, there must needs be amongst them a perfect Harmony and Intercommunity. There

being no Room for any other Disputes but whose God was most powerful. Such was the Root and Foundation of this *Sociability of Religion* in the ancient World so much envied by our modern Infidels: The Effect of their Absurdities as they were Religions; and of their Imperfections, as they were Societies. And yet had universal Custom made this Principle of a general Intercommunity and Acknowledgement of one another's Pretensions so essential to Paganism, that when their Philosophers and Men of Learning, on the spreading of Christianity, became ashamed of the Grossness of Polytheism, and had so refined it by allegorical Interpretations of their Mythology, as to make the several Pagan Deities but the various Attributes of the one only true God, yet still they adhered to their darling Principle of Intercommunity: (for Paganism still continued to be without a dogmatic Theology or Formulary of Faith) and contended for it that this Diversity was Harmony, and a Thing well pleasing to the God of Heaven and Earth. “Æquum est, says *Symmachus* †, quicquid omnes colunt, unum putari; eadem spectamus Astra; commune Coelum est; idem nos mundus involvit: Quid Interest, quā quisque prudentiā verum requirat? UNO itinere non potest perveniri ad tam grande secretum”. The great Lord and Governor of the Universe, says *Themistius* \*, seems to be delighted with these Diversities of Religions. It is his Will that the *Syrians* have one sort of Religious Institution, the *Greeks*

† Lib. x. Ep. 61.

\* ταύτη νόμιζε γάνυσθαι τῇ ποικιλίᾳ τῶ πατρὸς Ἀρχηγίτου. ἄλλω; Σύρι; ἰδίᾳ πολυθεΐας, ἄλλω; Ἑλλήνων, ἄλλω; Αἰγυπτίους. Orat. xii.

“ another,

“ another, and the *Egyptians* yet another”. But what is most remarkable, it continues to this Day to be the essential Principle of Paganism. *Bernier* tells us that the Gentiles of *Hindoustan* defended their Religion against him in this Manner.—“ Ils  
“ me donnoient cette réponse assez plaisante ;  
“ qu'ils ne pretendoient pas que leur Loi fût  
“ universelle—qu'ils ne pretendoient point que  
“ la nôtre fût fausse ; qu'il se pouvoit faire qu'el-  
“ le fut bonne pour nous, & que Dieu pouvoit  
“ avoir fait plusieurs chemins differens pour aller au  
“ Ciel, mais ils ne veulent pas entendre que la  
“ nôtre étant generale pour toute la Terre, la  
“ leur ne peut être que fable & que pure Inven-  
“ tion \* ”.

Let us now see the Nature and Genius of those Religions which were built, as we say, on true Revelation, The first is the *Jewish*, in which was taught the Belief of one God the Maker and Governour of all Things, in Contradistinction to all the false Gods of Paganism, which necessarily introduced a dogmatic Theology. So that the Followers of this Religion, if they believed it true, must needs believe all others to be false. But it being instituted only for the *Jewish* People they had directly no further to do with that Falsehood than to guard themselves from its Infection by holding no Fellowship nor Communion with them. After this comes the Christian, which taught the Belief of the same one God the supreme Cause of all Things ; and being a Revelation from Heaven, must needs be built upon the former, or on the Supposition of its Truth. And as this was not designed for one People, but given to all Mankind, it had a much more compleat System

\* Voyages de Fr. Bernier Tom. 2. P. 138.



of dogmatic Theology. The Consequence of which was, that its Followers must not only think all Paganism false, and Judaism abolished, and so refuse all Fellowship and Communion with them, but they must endeavour to propagate it throughout the World on the Destruction of all the rest. And their dogmatic Theology teaching them that *Truth* was the End of Religion, as the Pagans, who had only public Rites and Ceremonies, thought *public Utility* to be, it was no Wonder that their Aversion to Falsehood should, on this Account, be vastly increased. And so far all was right. But this *Aversion*, cherished by Piety, gave Birth to a blind ungovernable Zeal, which, when Arguments failed to make their due Impression, hurried them on to all the unlawful Licence of Force and Compulsion. Hence all the Evils of Persecution, and the Reversement of the Laws of Humanity in a fond Passion for propagating the Law of God. This is a true Representation of the State of Things, both in the Pagan and in the believing World. To shew that it is so, we will beg Leave to consider the Reception true Religion met with amongst Idolaters.

The whole Pagan World having early imbibed this inveterate Prejudice concerning Intercommunity of Religions, when the Jewish appeared, Men were but too much accustomed to new Revelations, to suspect it of Falsehood. Accordingly we find, by the whole History of the old Testament, that this Religion was thought a *true one* by all its Neighbours. And therefore they proceeded in their usual Way, on Occasion, to join it with their own. As those did whom the King of *Affyria* sent into the Cities of *Samaria* instead of the ten Tribes. But when these People of God, in necessary Consequence of their having

ing a dogmatic Theology, persisted in pretending, not only that their Religion was true, but the *only* true one, then it was that they began to be treated by their Neighbours, and afterwards by the *Greeks* and *Romans*, with the utmost Hatred and Contempt for *this their Inhumanity and Unsociableness*. To this only we are to attribute the Rancour and Spleen that appear particularly in the iniquitous Censure the *Roman* Historians pass upon them. But *Celsus*, in this Matter, speaks for them all — “ If the *Jews* on these Accounts  
 “ adhere to their own Law, I blame them not,  
 “ I rather blame those that forsake their own  
 “ Country Religion to embrace the Jewish. But  
 “ if these People give themselves Airs of sublimer Wisdom than the rest of the World,  
 “ and, on that Account, refuse all Communication with it, as not equally pure—*I must tell them*, that it is not to be believed that they are  
 “ more dear or agreeable to God than other Nations” ‡.— And again, “ Therefore the *Jews*  
 “ having constituted a particular Society, and  
 “ Established Laws agreeable thereto, which they  
 “ to this Day observe, together with a Religion,  
 “ which, let it be what it will, as it is the Religion of their Forefathers, they do but what all  
 “ other Men do. And this appears to be a Thing  
 “ very fit and reasonable, not only because People made Laws, some one Way and some another, as they judged most commodious for their  
 “ Circumstances, which, once publicly Established, should be adhered to: But because,  
 “ according to all Appearance, the several Regions of the Earth having been, from the Be-

‡ Εἰ μὲν δὲ καὶ ταῦτα περιτίλλοιεν Ἰουδαῖοι τῷ ἰδίῳ νόμῳ, &c.  
 Origen. cont. Celsum p. 259. Ed. Spenc.

“ ginning

“ginning, distributed to *several Powers, Laws,*  
 “in every Place, were instituted according to  
 “the Nature of that Distribution. All Things,  
 “then, go well when every Place observes such  
 “Institutions as are pleasing and agreeable to  
 “those *Powers*. So that it would be Impiety to  
 “violate those Laws which have in every Coun-  
 “try been Established since the beginning †.  
 This was a very ancient Notion amongst the Pa-  
 gans that the Kingdoms of the World were di-  
 stributed amongst several celestial Powers, and  
 was originally Egyptian: Which *Moses*, accor-  
 ding to the Reading of the Septuagint, evidently  
 alludes to. “Ὅτε διεμέριζεν ὁ ὕψιστος ἔθνη, ὡς διέων-  
 ρεν ὑπὲρ Ἀδὰμ, ἔθηκεν ὅρα ἔθνων καὶ ἀεὶ μὲν ἈΓΓΕΛΩΝ  
 ΘΕΟΤ. Καὶ ἐρρήθη μερὶς κυρίας λαὸς αὐτῆς Ἰακώβ, χοί-  
 νισμα κληρονομίας αὐτῆς Ἰσραὴλ \*.” “When the  
 “most high divided to the Nations their Inhe-  
 “ritance, when he separated the Sons of *Adam*,  
 “he set the Bounds of the People according to  
 “the Number of the ANGELS OF GOD: And  
 “the Lord’s Portion is the Sons of *Jacob*, and  
 “*Israel* is the Lot of his Inheritance.

This was the Reception the *Jews* met with in  
 the Pagan World; but not pretending to obtrude  
 their Religion on the rest of Mankind, as being  
 given solely to them, they yet escaped Persecu-  
 tion.

When Christianity arose, tho’ on the Founda-  
 tions of Judaism, it was at first received with great

† Ἰουδαῖοι μὲν ἐν ἔθνεσσιν ἰδίᾳ γενόμενοι, καὶ κατὰ τὸ ἐπιχώριον νόμον,  
 &c. Idem p. 247. This Passage is very obscure, and would  
 scarce have been intelligible without the Interpretation of *Ori-*  
*gen*, who tells us that here *Celsus* insinuates that those *superior*  
*Powers*, to whom the several Regions of the Earth fell in Par-  
 tage, assisted the Legislators in the Institution of the several  
 Establishments there received.

\* Deuter. 32. 8. 9.

Complacency by the Pagan World. For they were such utter Strangers to the Idea of one Religion's being built, or dependent on another, that it was a long While before they knew this Connexion between them. Even *Celsus* himself ‡, with all his Sufficiency, saw so little how this Matter stood, that he is not satisfied whether the Jews and Christians worshipped the same God;— is sometime inclined to think they did not. This Ignorance prevented the Prejudice they had to Judaism from indisposing them towards Christianity. So that the Gospel was favourably heard: And the superior Evidence with which it was attested, made the Gentiles, who were inclined to admit a new Revelation upon very easy Terms, enough disposed to receive it. Accordingly we find *one* Roman Emperor introducing it amongst his closet Religions; and *another* proposing to the Senate, to give it a more general Entertainment. But when it was found to carry its Pretensions higher, and to claim, as the Jewish did, the Title of the only true one, then it incurred all that hatred and Contempt under which the Jewish had so long laboured \*. But when it went

‡ Orig. Cont. Cels. p. 270. 271. 288. 295. & alibi. Ed. Spenc.

\* The not attending to the Genius of ancient Paganism hath betrayed some of the best modern Critics into an iniquitous Judgment on the first ancient Apologists. Who, they pretend, have unskilfully managed, in employing all their Pains in evincing what was so easy to be done, namely the Falschood of Paganism, rather than in proving the Truth of their own Religion. For, say these Critics, was Paganism proved false, it did not follow that Christianity was true; but was the Christian Religion proved true, it was Demonstration that the Pagan was false. But now we see the Apologists acted with much good Sense and Judgment. For the Matter was just otherwise. The Truth of Christianity was acknowledged by the Pagans. They



still further, and pretended a Necessity for all Mankind to forsake their Country Religions, and embrace *that*, this so shocked the Pagans that it soon brought upon it self the bloodiest Storms of Persecution. This was the Original of Persecution for Religion. Not committed, but undergone by the Christian Church. Origen affirms \* this was the first Religion that ever made Men obnoxious to the Civil Judicature; and from thence draws a fine Argument for the Divinity of that Prophecy of *Jesus*, which foretold it. And it must needs have been so, if the Reason we assign for the Persecution be a true one: For this was the first Religion that ever arose with these Pretences. And that it was the true Reason is evident from hence, that no other can be given but the supposed Malignity of the Doctrines of Christianity to the State. And, for *this* the Magistrates did not inflict their Civil Censure; as appears from their overlooking all those impious Sects of Philosophy which were acknowledged, by all, to be destructive of Civil Society. Further, allowing this we have assigned to be the Cause we can give some Reason for finding such good Emperors as *Trajan* and *M. Antoninus* in the Rank of Persecutors. The Christian Pretences overthrowing a fundamental Principle of their Religion which they thought founded in Nature;

only wanted the Christians in their Turn to acknowledge their's true, likewise. As this could not be done; there was a Necessity to give the Reasons of their Refusal. And this gave Birth to so many Confutations of idolatrous Worship. It is true when their Adversaries found them persist in their *unsociable* Pretences, they returned the Treatment in Kind; and accused Christianity, in its Turn, of Falschood. But this was not till afterwards, and then faintly, and only by the Way of acquit.

\* Διὰ ποίον τὸ δόγμα ἢ ἐν ἀδελφείοις γεννηθέντων κολάζον) καὶ ἄλλοι; Cont. Cels. p. 68.

namely

namely *this friendly Intercommunity of Worship*. Lastly, *This* only can explain the famous Passage of *Pliny* the younger to *Trajan*—"Neque enim dubitabam, *qualecunque esset quod faterentur*, certe, *pervicaciam & inflexibilem obstinationem* debere puniri †. What was this inflexible Obstinacy? It could not be the professing a new Religion. That was a Thing common enough. It was the refusing all Communion with Paganism; refusing to throw a Bit of Incense on their Altars. For we must not think that this was enforced by the Magistrate to make them renounce their Religion, as is commonly imagined, but only to give a Test of the *Hospitality and Sociableness* of it. It was indeed, and *rightly*, understood by the Christians as a renouncing their Religion, and so accordingly abstained from.

Thus have we shewn our Adversaries the true *Original* of this universal Tolerance under Paganism, and the Want of it sometimes under Christianity. The Account will be further useful to obviate another, and *one of their most specious Objections against Christianity*.—"If it was, say they, accompanied with such extraordinary and illustrious Marks of Truth as is pretended, how happened it that the Truth was not seen by more of the best and wisest of that Time? And if it was, how could they continue Pagans? The Answer is easy. We have shewn, that the Proof of the Truth of a new Religion was, with them, no Reason for their quitting their old one.

† Lib. 10. Ep. 97.

## SECT. V.

I Have now at length, and I hope to the Reader's Satisfaction, performed what I undertook; which was to *demonstrate the Equity and Necessity of an Established Religion and a Test-Law on the Principles of the Law of Nature and Nations*. It only remains to shew, (as I promised in the beginning of this Discourse) what false *Principle* it was that hath misled both Parties; which, (embraced in common) brought *one* to conclude that an *Established Religion* was of divine Right; and the *other*, that a *Test-Law* was a Violation of all humane ones. By doing this, we shall add new Strength to our Conclusions, from a View of the Defects in the other Scheme of Defence; and remove any remaining Doubts that may have arisen from the Authority of great Names against us.

When a Love for Truth, *the sole Motive that set me on this Inquiry*, had engaged me in an Examination of the Nature and End of an Established Religion and a Test-Law; and that I had laid down incontestable Principles, and drawn Conclusions from them, as I thought, in a demonstrative Manner; I was yet not a little staggered to find that some great Names, to whom, as Writers, we owe the highest Veneration, had from the very same Principles deduced quite contrary Conclusions.—Here I hesitated. For on the one Side I had *Demonstration*: On the other, *Authority*, which I prized almost equally to it: And could receive little Satisfaction in my Reasonings till I could give some good Account of the Authority that opposed them. The Error that seduced them I think I have found, and it was this,—The Defenders of an Established Religion have all  
along

along gone on to maintain it on the Motives of TRUTH, and not of UTILITY. That is, that Religion was to be *Established* and protected AS IT WAS THE TRUE RELIGION; not for the sake of its CIVIL UTILITY; which is the great PRINCIPLE whereby we erect an *Established Religion* and a Test-Law. For that Notion which, the great *Grotius* tells us, some Churches on the Continent had of Civil Society seems to have been entertained by the Defenders of our Establishment.—

“ Alii diversas [Religiones] minus tolerant; quippe non in hoc tantum ordinatas a Deo Civitates ac Magistratus dictantes, ut a Corporibus & Possessionibus injuriæ abessent, sed ut, quo more ipse jussisset, eo in commune coleretur; ejus Officii Negligentes multos poenam, aliorum impietati debitam, in se accersisse ”.

Now, unluckily for Truth those great Writers before mentioned took this *mistaken Principle* for granted, imagining there could be no other possible Motive assigned for *Establishing Religion*: And at the same Time finding this full both of Absurdity and Mischief too hastily concluded an *Established Religion* secured by a Test-Law to be a Violation of the Rights of Nature and Nations. Thus was this great Difficulty cleared up, and it now appeared that the Authority of those great Names no longer bore hard against my Conclusions.

But let us take a short View of the Absurdities and Mischiefs that arise from the Hypothesis which builds an *Established Religion* and a Test-Law on a Principle of *Religious Truth* and not of *Civil Utility*.

If Religion is to be *Established* and protected by a Test-Law, only because it is the *true Religion* then Opinions are encouraged as Opinions; that



that is, as *Truths*, not as *Utilities*; and discouraged as *Opinions*; that is, as *Errors* not as *Mischiefs*. See then what follows both with Regard to an *Establishment* and a *Test*.

I. An Establishment is *unjust*. 1. Because the Civil Magistrate hath no Right to judge, as a Magistrate, which is the true Religion; this Power not being given him, as we have shewn, on Man's entering into Society: Nor could it be given him, because Man cannot impower another to judge for him in Matters of Religion: And he not being Judge, and there being no other equal Judge to be found to arbitrate between the several Schemes of Religion and the Civil Magistrate, he hath no Right to Establish a Religion. 2. It is unjust, because was the Magistrate a competent Judge of which was the true Religion, he would have yet no Right to reward its Followers, or discourage its Opposers, because, as we have shewn, Matters of Opinion belong not to his Jurisdiction. He being as *St. Peter* \* tells us, "sent by God for the *Punishment* of "EVIL DOERS, and for the *Praise* of them that "DO WELL". Therefore Civil Encouragements to those of the Established Religion is unjust. 2. An Establishment is *absurd*. It being impossible that the End thereof should be attained. This End is the Protection and Support of *true Religion*. But the Civil Magistrate, who is to Establish it, being sole Judge what is so, and necessarily concluding his own to be it, the Established Religion *must*, all the World over, be the Magistrate's. That is, for one Place where the *true Religion* is Established; there will be a thousand where the *False* is. And whether this be

\* Peter 1. Ep. ii. 14.

for the Interests of *true Religion* let the Maintainers of this Hypothesis consider. He who would see this Argument urged home may read the *Letters concerning Toleration*. I will only observe that as it appears from the foregoing Paragraph the Civil Magistrate had neither by Nature nor the Law of God this Jurisdiction; so it is impossible he should have it; because the Exercise of it would destroy the End for which it is supposed to be given.

II. I might shew in the next Place that this Hypothesis takes away all the Reason on which the mutual Grants and Privileges of Church and State, consequent on an Alliance, are founded. Which must all, therefore, cease. As *the Clergy's Right to a public Maintenance*. Which now being for the Support of Opinions, would be contrary to the fundamental Laws of Society: As making those contribute to that Maintenance who reject such Opinions, and think them false. And so of the rest.—But what talk I of mutual Grants and Privileges or stated Conditions of Alliance, when,

III. This Scheme of an Establishment, not making an Alliance between Church and State on a free Convention, but appointing the State a Kind of Executor of the Decrees of the Church, can have no stated Laws or Conditions of Union. But the Privileges of each must be perpetually fluctuating and various; having no other Foundation than the *arbitrary Notions* Men embrace concerning the Extent of that Support and Protection, which the State is obliged to bestow; which having no Rule, can never be determined. Thus all fixed and precise Ideas of an Establishment being confounded, ill designing Men have a Handle to make it what they please. And how dangerous

rous this is to the State is evident. And, indeed, in this Condition we, every where, find an Establishment, where this Notion of its Original hath prevailed. Instead of that peaceable Union so beneficent to Civil Society, the Fruits of a free Convention under the stated and well known Conditions mutually given and received, we see nothing but a violent continued Struggle, between the two Societies, for Power. Which is perpetually gaining and losing Ground, in a fluctuating, uncertain Condition.

IV. A *Test-Law*, on this Scheme, will be absolutely unjust. For now Opinions being restrained as Errors not as Mischiefs, *Restraint* converts into *Punishment*. For the Design of a Test is now, not to keep Men, of other Religions, out of the Civil Administration, but to bring them in to the Established Church. And its Discouragements are wholesome Severities to reduce Men, from the *false*, to the *true* Religion. So that if the first Dose does not do, it must be repeated and enlarged till it proves efficacious. This is Punishment, properly so called; and, Punishment for what is no Act of the Will, we have shewn to be unjust. But could Opinions, as such, be punished, the Civil Magistrate could not inflict it, because his Jurisdiction extends only to the Care of Bodies. Further, this is depriving Men of their Civil Rights for Matters of Opinion, as such; but this, we have shewn to be against the Law of Nature.—On all these Accounts, a Test-Law would be unjust.

V. Again, a Test-Law on this Scheme would be most mischievous, as, directly, tending to the Destruction of Religious Liberty. For the End being to reduce Men from the false, to the true Religion, the Severities must be increased till they have

## Of a Test-Law. 153

have Strength to operate effectually. And there is no stopping short, without exposing the Scheme to the greatest Absurdities. This is irrefragably proved in the *Letters concerning Toleration*: Wrote against an Adversary who was for *having Men punished for their Errors in Opinion, without Persecution*: Or, in other Words, was for having this Scheme of a Test consistent with a Toleration. It is a sad Spectacle to see, in how impitiable a Manner, that relentless Writer drives this Phantom of Persecution from Place to Place, and starts it from all its lurking Holes. How much more ingenuous then are they, who defending a Test on this Scheme, regard a Toleration, not as a Right of Nature due to Mankind, but as a Concession which the Necessities of the Times extorted. For it is certain that *Toleration* and such a *Test* can no more stand together on common Principles, than Liberty and Persecution.

This is but a very short Hint of the terrible Consequences that attend an Established Religion and a Test-Law on the common Hypothesis; but enough to evince the following Conclusions we would draw from it.

I. First, that those great Defenders of Civil and Religious Liberties above mentioned, must needs oppose, with all their Might, an Established Religion raised on this Hypothesis; which so directly tends to the Destruction of both.

II. That the Arguments they employ in their various Writings against such Establishments, do not at all affect or reach an Established Religion and a Test-Law founded on our Theory. For that

X

III. It



III. It appears, on Comparison, that our Theory removes and keeps clear of all those monstrous Mischiefs and Absurdities with which this other Scheme labours. As shewing the Magistrate's Act in the Alliance to be reasonable just and necessary—As fixing and stating the mutual Conditions of the Alliance with the utmost Precision and Exactness. — As proving the Equity and Necessity of a Test-Law, — and securing Religious Liberty by a free Toleration. And, to shew that nothing of Advantage is wanting to make this Scheme preferred to the common one, we observe, in the last Place, that our Establishment, made only on the Motives of *Civil Utility*, really gains that End, which, in the other Scheme, is the sole View in Establishing a Church, which, yet by pursuing in a vain and visionary Manner cannot by that Scheme be effected. And that is, *the Advancement of Truth*. For if public Utility and Truth coincide, then to provide for that Utility, Truth must be provided for. Which will not fail of being found, as being sought after by a sure Method of Success.

I will conclude, then, in requesting my Reader to have this always in Mind THAT THE TRUE END FOR WHICH RELIGION IS ESTABLISHED IS, NOT TO PROVIDE FOR THE TRUE FAITH, BUT FOR CIVIL UTILITY, as the Key to open to him the whole Mystery of this Controversy; and the Clew to lead him safe through all the Intricacies, Windings and Perplexities, in which it has been involved.

The settling this Matter on true Foundations seems to be the only Thing wanted to perfect the Felicity of *Great Britain*. For while literary, Civil, and Religious Liberty have, at several Times, by occasionally undergoing the Scrutiny

Scrutiny of our ablest Writers, been at length settled on their true Foundations, and supported *there* with such Solidity of Science as soon to bring all thinking Men amongst us to acquiesce in those Determinations; while this, I say, hath been so gloriously for the *British* Name affected, *this last remaining Question*, of so much Importance, concerning an *Established Religion* hath been so little examined to the Bottom, or the true Principles thereof searched into, that the one Party defended it on *such* as directly tend to overthrow all, already settled in Favour of Religious, and even Civil and Literary Liberty: And the *other* opposed it on *such* as must make all that Liberty, *they themselves* had been long contending for, and had at length gained, degenerate into the very worst Licentiousness. Now whether we have contributed any Thing that may facilitate the Removal of this *last Obstruction* to a State of *sober* and *perfect* Liberty, is humbly submitted to the Judgment of the Public.





## APPENDIX.



THE Substance of the preceeding Discourse being no other than a single Chapter of a Treatise which I have now by me, and which, therefore, I had oft Occasion to refer to as I went along; I thought it not amiss, for these Reasons, (not to mention others,) to give the Reader some short Account of a Work that may, I hope, on its Appearance, engage his further Attention. It is intitled *The Divine Legation of Moses demonstrated (on the Principles of a Religious Theist,) from the Omission of the Doctrine of a future State in the Jewish Dispensation.* For having chalked out a Plan for a Defence of Revealed Religion against Deists, Jews, and Mahometans, which we are desirous of raising as a lasting Monument to the Glory of the Christian Name, we were not reduced to that Poverty of Invention, or Ignorance in Design, to frame it of old, or already formed Materials.—Such Second-hand Labours are only worthy the Adversaries of our holy Faith; whose Cause relying on the Strength of half a Dozen plausible Sophisms, their Business is to cook them up in different Disguises, just as the *Palate of the Times,*

Times, or the fantastick Appetite of their Followers give them Opportunity or Invitation. But Truth, which is eternal, and whose Relations are infinite, affords unexhausted Matter for Defense and Illustration. The Views in which she may be placed are numberless; and attentive Contemplation flashes Conviction on every View.

This, if Heaven give me Life and Health, I hope to execute. In the mean Time this *Defense of Moses* was composed as a Specimen of what can be performed, in the new Road I purpose to take, for a compleat Defense of Revelation.

1. Why I chose to make the *Defense of Moses* the Subject of my Specimen, was, Because we have of late seen several Writers, who profess to believe the Christian Religion, treat *Moses* and his Dispensation so Cavilierly that one would suspect they thought the abandoning him could have no Consequences destructive of Christianity. And those who profess to think more soberly, are generally gone into an Opinion that the Truth of the Jewish Religion is impossible to be proved but upon the Foundation of the Christian. An Opinion; that had been long peculiar to the *Socinians*. Who go so far as to maintain \* *That the Knowledge of the old Testament is not absolutely necessary for Christians*.—As to the first Sort of People, if they really imagine Christianity hath no Dependence on Judaism, I have nothing further to say to them here. But if, as is most reasonable to think, they only affect this Air of Indifference when pressed with Difficulties too weighty to remove, this Demonstration may not come unseasonably to their Relief. As for the other, I shall, I am persuaded, merit their Thanks, if

\* Cuper advers. Trad. Theol.—polit. l. 1.



I succeed in freeing their Reasonings from a vicious Circle; that first, prove the Christian by the Jewish; and then, the Jewish by the Christian Religion.

2. Why I chose this Medium, namely *the Omission of a future State in the Jewish Dispensation*, (before several others of equal Strength which I had in my Choice,) to prove its divine Original was, 1. Because I should be, thereby, enabled to shew, to the Confusion of Infidelity, that this very Circumstance of Omission which those Men esteem such an Imperfection as makes the Dispensation unworthy the Author to whom we ascribe it, is, in Truth, a demonstrative Proof of the Divinity of its Original. Whereby it will be found, that several Passages of Scripture which they charge with Obscurity, Injustice, and Contradiction, are, indeed, full of Light, Equity, and Concord. 2. Because this Medium affords us an *internal Argument for Revelation*. Which a late able Writer denies can be found for its Support. *Strictly speaking*, says he, *there can be no internal Evidence of a Revelation* \*. Now this being a sort of Evidence on which my proposed *Defense of Revelation* will be chiefly built; and it having been hitherto little cultivated, and at length, as we see, its very Existence denied, I will beg Leave to say a Word or two concerning it.

The Writers in Defense of revealed Religion distinguish their Arguments under two Sorts. The first they call the *Internal*, and the other the *External Evidence*. Of these, the first is, in its Nature, more simple and noble, and even capa-

\* Dr. Conybeare's Defense of revealed Religion 2d. Ed. 8vo. P. 431.

ble of Demonstration. While the other, made up of very dissimilar Materials, and borrowing Aid from without, must needs, on these Accounts, have some Parts of unequal Strength with the rest; and consequently, lye open to the Attacks of a willing Adversary. Besides, the *Internal Evidence* is, by its Nature, perpetuated, and so fitted for all Times and Periods: While the *External*, by length of Time, weakens and decays. For the Nature and Genius of the Religion defended affording the Proofs of the first Kind, these Materials of Defense are inseparable from its Existence; and so always at Hand, and the same. But Time may, and doth efface Memorials independent of that Existence, out of which the external Evidence is composed. Which Evidence, must therefore become more and more imperfect; without being affected by that whimsical Calculation to which a certain † Scotzman would subject it. Nay so necessary is the *Internal Evidence* that even the very best of the external Kind cannot support it self without it. As may be seen from hence, that when the Miracles, performed by the Founders of our holy Faith, are, from humane Testimony, irresistibly Established, the Consequence, that therefore they come from God, cannot be deduced till the Nature of that Doctrine is examined, for whose Establishment they were performed. But was there no other Benefit in cultivating the internal Evidence, yet the gaining, by it, a more perfect Knowledge of revealed Religion would fully recompence the Pains. And this is best acquired in that Pursuit.

† Craig. Theologiae Christ. principia Mathematica. Lond. 1699 4to.

Notwith-

Notwithstanding these superior Advantages, it has so happened, that the *internal Evidence* hath been hitherto used as an Introduction, only, to the *External*: And while, by this Latter, Men have proved our Religion actually divine, they have gone no further with the former, than to shew it worthy, indeed, of such Original. But from this Observation, a late Writer, as I have said, hath drawn a quite contrary Conclusion. I, from the small Progress hitherto made in it, exhort to its better Cultivation; he, from the same Fact, concludes, that *strictly speaking there can be no internal Evidence at all of a Revelation*. He supposes this small Advance to be owing to a Defect in the Nature of the Proof; I, to the Negligence of its Cultivators. Which of us is in the Right, a few Pages will I hope, discover.

What may have occasioned this Neglect, in my View of it, is not so easy to find out. Whether it be that Writers have imagined that, in general, the Labours and Difficulties attending the effectual Prosecution of the *internal Method* are not so easily surmounted as those which the Writer in the *external* is engaged in. While they suppose, that this latter, to be Master of his Subject, needs only the common Requisites of Church History, Diligence and Judgment. But that the Reasoner, on the *internal Proof*, must, besides these, have a thorow Knowledge of humane Nature, Civil Policy, the universal History of Mankind, an exact Idea of the Mosaic and Christian Dispensations, cleared from the Froth and Grounds of School Subtilties, and Church Systems: And, above all, should be blessed with a certain Sagacity to investigate the Relations of humane Actions through all the Combinations of Natural, Civil, and Moral Complexities. What may suggest  
this

this Opinion may be the Reflection, that in the *External Evidence* each Circumstance of Fact, that makes for the Truth of Revealed Religion, is seen to do so as soon as known; so that the chief Labour, here, is to search and pick out such Facts; and to place them in their proper Light and Situation: But, that in prosecuting the *Internal Evidence*, the Case is widely different. A Circumstance in the Frame and Composition of this Religion that, perhaps, some time or other may be discovered to be a Demonstration of its Divinity, shall be so far from being generally thought assisting in its Proof, that it shall be esteemed, by many, a Prejudice against it. As, I think, I have given a remarkable Instance in the Subject of the Treatise I am now upon. And no Wonder that a Religion of divine Original, constituted to serve many admirable Ends of Providence, should be full of such complicated Mysteries, the View of which filled the great Apostle *Paul* with Raptures. As, on the other Hand, this Religion being for the Use of Man, we need not despair, when we have attained a proper Knowledge of Man's Nature, and the Dependencies thereon, of making still growing Discoveries, on the *Internal Evidence*, of the Divinity of its Original.

Now tho' all this may perhaps be true; and that, consequently, it would appear ridiculous Arrogance in an ordinary Writer, after having seen the Difficulties attending this Method, to hope to overcome them by the Qualities above said to be required: Yet no modest Examiner need be discouraged. For there are, in revealed Religion, besides those interior Marks of Truth before described, which require the most delicate Operation of a great Genius and Master Work-



man to bring out and polish \* others, also, no less illustrious, but more univocal Marks of Truth, which God hath been pleased to impress upon his Dispensations; which require no great Qualities but Humility and Love of Truth, in him who would, from thence investigate the Ways of God to Man. The Subject of this Discourse is one of those illustrious Marks; from which the Discoverer claims no Merit from any long, learned, or laborious Search; it is Honour enough for him that he is the first who brings it out to Observation. If he be indeed the first. For the Demonstration is so beautiful, and, at the same Time, appears to be so easy and simple, that one cannot tell whether the Pleasure of the Discovery, or the Wonder that it is now to make, be the greater.

In this Treatise, I pretend to have carried the *Internal Evidence* much further than the Proofs for Revelation are usually carried. Even to the height of which it is capable, a Demonstration, little short of Mathematical. In which, nothing, but a mere phisical Possibility of the contrary, can be opposed. Only allowing me this single Postulatum,

“ That a skilful Legislator establishing a Religion, and a Civil Policy, acts with certain Views and for certain Ends; and not capriciously, or without Purpose or Design.

From thence I proceed to erect my Demonstration, solely, on these three very clear and simple Propositions.

\* A noble Instance of this, a great Writer hath given us in the 4th Dissertation of the *Use and Intent of Prophecy*, &c. intit. *Christ's Entry into Jerusalem*.

I. “ That

1. " That the inculcating the Doctrine of a  
" future State of Rewards and Punishments, is  
" necessary for the Well-being of Civil Society.

2. " That all Mankind, especially the most  
" learned and wise Nations of Antiquity, have  
" concurred in believing that this Doctrine was  
" of that Use to Civil Society. And

3. " That the Doctrine of a future State of  
" Rewards and Punishments is not to be found  
" in, or did make Part of the Mosaic Dispen-  
" sation.

Propositions so clear and evident, that one  
would think one might directly proceed to those  
Mediums whereby we deduce our Conclusion.

" *That therefore the Law of Moses is of divine*  
" *Original.*" But so great is the Love to Paradox  
and System, that these, with all their Clearness,  
have need of a very particular Defence: The  
Infidel having disputed the first, and many Chri-  
stian Writers thought fit to deny the last. The  
Discourse, therefore, is divided into six Books.  
The first is in Defence of the first Proposition:  
The second and third, in Defence of the second  
Proposition: The fourth and fifth, in Defence  
of the third Proposition: And the last is employ-  
ed in deducing those Mediums whereby we erect  
this important Demonstration. I shall crave  
Leave to give the Reader a short Account, in  
gross, of what each Book contains.

1. The first Book opens with an Account of  
the Original of Civil Society; the natural Defect  
in its Plan; and how that Defect is supplied by  
Religion only. But it being shewn, that Religi-  
on cannot subsist or support it self without the  
Doctrine of a future State of Rewards and Pun-  
ishments, it follows, that that Doctrine is of the  
highest Use to Society. In the next Place, the

Objections, which licentious Wits have brought against the Service of Religion to the State, are fully answered. In particular the Arguments employed by Mr. Bayle and interspersed in his famous Work intituled *Pensées diverses a l'occasion de la Comete, &c.* are methodized, set in the strongest Light, and confuted. In which, amongst divers other Matters of Importance, are settled and explained the true Grounds of moral Actions. The Book concludes with a short, but full, Detection of the fundamental Sophisms, on which the execrable Doctrine of the Book called *the Fable of the Bees* is solely built. The Writer of which ventured to go one Step further than any other Atheist, or Apologist for Atheism. Those who preceded him having only maintained, that a State might subsist without Religion, because moral Virtue might be had without it; this Writer, that moral Virtue, the Fruit of Religion alone, was destructive of a great and flourishing Society, whose Grandeur could be supported only by Vice.

2. The second Book is employed in Defence of the second Proposition. It begins with shewing the Sense all Mankind had of the Utility of Religion to the State, by the Doctrine of a future State's being universally taught in all Ages and Nations of Mankind, the Jewish only excepted. And it is proved, by the Deduction of many Particulars that the Reception and Preservation of that Doctrine was owing to the general Sense of this its Utility. It proceeds to an Examination of the Conduct of the ancient Legislators: And delivers, and explains, at large, the various Arts and Contrivances they employed to support and propagate Religion in general, and the Doctrine of a future State of Rewards and Punishments

ments in particular. The History of these Arts from the first, which was a Pretence to Inspiration, to the last, which was the *Establishment of Religion*, (that hath afforded Matter for the Treatise to which this short Account is an Appendix) is here delivered. In which I pretend to have unfolded the whole Mystery of ancient Legislation. A Subject little known or attended to. And by deducing the History of its Rise, Progress, and Decay, from the old *Egyptians* to the latest *Grecian Sophists*, we presume to have given Light and Congruity to an infinite Number of Passages in *Greek* and *Roman* Authors.

3. The third Book, continuing the Defence of this Proposition, opens with a Collection of Testimonies from the ancient Historians and Philosophers. By which it appears there was an universal Concurrence in Opinion concerning the indispensable Use of Religion in general, and the Doctrine of a future State in particular, to Civil Society. And in order to shew the Strength of this Persuasion, in the fullest Light, the public teaching of the Philosophers, on this Point, is examined into. Where it is proved that this Utility was the sole Motive to all of them for propagating the Doctrine of a future State of Rewards and Punishments. This necessarily engages us in the History of the Rise, Progress and Decay of the ancient *Greek* Philosophy. In which is shewn its Original, like that of Legislation, from *Egypt*: The several Revolutions it underwent in its Character; constantly attendant and conformable to the several Revolutions of Civil Power: Its gradual Decay, and total Absorption in the Schools: Where it is shewn, that, as it sprung from the Fountains of the true *Egyptian* Wisdom, so it ended in the corrupt and spurious.



ous. In which Account will be found, the true Original and Use of the twofold Method of philosophising; hitherto we presume, much mistaken: Which will help to unravel the most embarrassed Questions concerning the true Nature and Genius of the *Greek* Philosophy; and to reconcile an infinite Number of supposed Contradictions which the most eminent Founders of it have fallen into. This universal Consent of Legislators and Philosophers concerning the Use of Religion to the State, and their Arts and Endeavours to propagate it being largely proved and illustrated; lest it should be mistaken and perverted. This Book concludes with a Confutation of the Atheistical Pretence *that Religion was the Offspring of Statesmen.* — The Absurdity of it is exposed, and the Impossibility of it demonstrated. The Original, and Authors of this monstrous Paradox are animadverted on; particularly, the *third Letter of Toland to Serena concerning the Origin of Idolatry and Reasons of Heathenism*, which is a formal Defence of it, is examined and refuted.—So far in Support of the second Proposition.

4. The fourth Book enters upon the third Proposition. And, as amongst the several Arguments brought to prove that the Doctrine of a future State was not in the *Jewish* Dispensation, one, and the most considerable is taken from the Nature of the *Jewish* Policy, this Book is employed in explaining the true Nature of that Policy. In order to which, the Character of *Moses*, with the Concessions of the Infidels concerning him, is premised. And that long debated Question, whether the *Jews* borrowed some of their Customs, and the *Greeks* all their ancient Learning and Religion from the *Egyptians*; or whether, on the other Hand, both *Greeks* and *Egyptians* received

received all they had of Value in these Matters from the *Jews*, is examined to the Bottom, on such Principles as may, possibly, enable us to determine it with Certainty. The Way being thus cleared, the true *Jewish* Policy is then attempted to be delivered and explained. The Consequence of which Policy is shewn to be, the Dispensation of an extraordinary Providence promised and believed. The Book goes on to examine how long this Policy lasted; and whether it was ever changed while the *Jews* continued a People, under their own Laws: And concludes with a very momentous Attempt, namely, to demonstrate, from the true Nature of this Policy, as here delivered, the Agreeableness of every Thing which Scripture tells us, God commanded; *did* to others; or represented of himself; the Agreeableness, I say, of all this to Truth, and the Rights of Nature and Nations. In which will be obviated every Thing of Moment the Deists urge, particularly the late Author of *Christianity as old as the Creation*, to prove those Things contrary to Reason, Truth and Justice. Such as are the Law for punishing Opinions; which Mr. *Bayle* after many Endeavours to justify, gives up, as impossible to be defended on the Principles of the Tollerants; the Extirpation of the seven Nations; the Destruction of the People for having been numbered by *David*; the Representation of the Godhead with humane Passions and the like.

5. The fifth Book continues to prosecute the Subject of the third Proposition. Many other Arguments are now produced to prove that the Doctrine of a future State neither was, nor could be, Part of the Mosaic Dispensation. Then the Arguments of those who are of another Opinion are

are considered; where it is shewn, that they are all built on false Principles, which in this, and in the foregoing Book, have been detected and confuted. And, in the last Place, the true History of the Rise and Progress of the Doctrine of a future State amongst the *Jewish* People is delivered. It is first told, from what Quarter the slow Dawnings of it first appeared. In doing which there was Occasion to settle the Chronology of several Books of the Old Testament: Particularly the Book of *Job*, which we hope is exactly done from infallible internal Characters. In this Part of the History of the Doctrine, we have been invited to give, what our main Principle enables us to do, some good Account of the contradictory Methods which God in different Places of holy Writ declares to use in dealing with Sinners: And to shew how reconcilable those different Methods are to Truth, to Equity, and to one another. A Circumstance that is now become the Offence of every Smatterer in Infidelity. The Book proceeds to an Account of the Progress and Establishment of the Doctrine of a future State amongst the *Jews*. And, as, we find, it was thoroughly digested and established, amongst them, at Christ's Advent; the Time, it first became a popular Doctrine, is endeavoured to be discovered; which directs us to the Occasion of its Propagation: As the Mode of it doth, to the Authors from whence they received it. All which Particulars, it is shewn, do in a remarkable Manner contribute to the Induction and Illustration of our main Conclusion.—So far in Support of the third and last Proposition.

6. The sixth and concluding Book is taken up in searching out, and illustrating, by the foregoing Books, all those Mediums whereby we estab-

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lish our great Conclusion, *that therefore the Law of Moses is of divine Original.* The Sum of the Proof is in a Word to this Effect. The first Book proved, that Religion, which teaches an overruling Providence the Rewarder of good Men, and the Punisher of ill, is necessary for Society, to help out the Magistrate in the Execution of his Office, by restraining Irregularities he could never reach, and by giving a Sanction to his Decrees. But that the apparent Irregularities in the Dispensation of Things, here below, would destroy the Belief of a Providence, and consequently all Religion, were it not supported by the Doctrine of a future State of Rewards and Punishments, where all those Irregularities are set right. This was so evident a Truth, that, as is shewn in the second Book, all Nations concurred to cherish and support this Doctrine; all the Legislators established it; and all the Philosophers invented Reasons to give it Credit. Which could be for no other End than its confessed Service to Society: Because, it is shewn, that several of these latter who endeavoured most to propagate it, believed it not. Amidst this universal Consent, arises a little State, which, by the Confession of the Deists themselves, was the best policied of any that ever ancient Legislation formed; the Author of which pursued his Scheme by Methods, and on Principles so resembling the best pagan Legislators, as *Minos, Solon, Lycurgus, Numa*, that those Deists believe him to be of the same Species and Class with these; and to have just the same Pretences to Inspiration. But, what must call up the Attention of every one, there was this very singular Difference between his Institution and all the other Institutions of Mankind; that tho' he, like them, taught an overruling Providence,

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vidence, and a Religion, yet it was *without the Doctrine of a future State of Rewards and Punishments*: As is largely proved in the fourth and fifth Books. This Omission makes the whole Deistical Scheme, with Regard to *Moses*, to the last Degree, inconsistent, absurd and ridiculous. For first, according to their own Representation of *Moses*, he was the wisest of all Legislators, and therefore must needs see the Service that Doctrine was of, to Society. He had been bred up in the *Egyptian* Schools, and, as the Deists believe, had all his Knowledge in Legislation, and Religion, from thence: But it is proved in the second and third Books, that this Doctrine was invented (from the most early Times) by the *Egyptians*, and invented for the sake of the State. Now the Deists say, he transferred all that was good and profitable, from their Institutions into his own. Why not then, this most useful of all Doctrines? Again, the *Jewish* People, it is confessed on all Hands, had most largely imbibed the *Egyptian* Customs: And the Deists observe, that *Moses* as a wise Legislator who understood humane Nature, accommodated his Institutions to the Inveteracy of such Prejudices and Prepossessions: But, of all Opinions, this of a future State, as is shewn in the second Book, is the most pleasing to the Mind, gets the quickest Possession of it and most difficultly suffers a Divorce: And, being at the same Time most useful, it is therefore impossible a wise Legislator, acting with Design, such as the Deists represent *Moses*, could omit to inculcate it. Nor doth it avail to say, *Moses* did not himself believe this Doctrine; for we have shewn, in the second and third Books, that many of the wisest Ancients, (Legislators and Philosophers,) believed it not, yet sedulously inculcated

culcated it for its confessed Utility to Society. So that *Moses* had no Reasons for not teaching, but, the most momentous and forceable, to teach it. As 1. Its most apparent Use. 2. His Prepossession in favour of it; being brought up in a School of Legislation in which this Doctrine was the most indispensable and essential Part. 3. The Prepossession of his People in favour of it, and, 4. The particular Necessity the *Jewish* State had of this Doctrine, above all other States, if it was of mere humane Institution, as the Deists imagine: Which Necessity is largely shewn in this Book. Thus supposing *Moses* to be a mere humane Legislator, his Conduct, in this Matter, must be owned to be to the last Degree absurd, capricious and irrational. But now, take the Account as Scripture gives it us, that he was a Man chose by God to give Laws to his People, and all these Difficulties vanish and disappear: And the great Legislator shines out again in one uniform Course of Splendour. For then, an extraordinary Dispensation of Providence, exactly rewarding and punishing, (which we shew, in the fourth Book, to be a necessary Consequence of the *Jewish* Policy) made the Doctrine of a future State needless, to all the Ends of Civil Society; and every Thing, as we have shewn, tended, in the Mosaic Dispensation, to those Ends. For the Doctrine being propagated by Statesmen, only as a Succedaneum to an unequal Providence, when that Inequality was rectified, there was no further Occasion for it. The Consequence is, that that extraordinary Providence over the *Jewish* People, as recorded in Scripture, was *real*: And if so, then MOSES, TRULY THE MESSENGER OF GOD. If it should yet be objected that the *preaching up* this extraordinary Providence to popular Belief, without the *Reality*

of its Existence, was enough to supply the Want of the Doctrine of a future State; it is here shewn, that this Pretence of an extraordinary Providence was made Use of by all the ancient Legislators: Who, yet, found it totally insufficient, for the Ends of Society, without this Doctrine: Which, therefore, was every where sedulously inculcated. If lastly it should be objected, (which is the only remaining Objection can be made) that *Moses* might really believe an extraordinary Providence when there was none, and on the Strength of that Belief, might omit the Doctrine of a future State, as useless; this Case is shewn to be impossible. For first this supposes him to be very enthusiastical, which the Deists are far from taking him to be; and which we have clearly proved he was not.

2. It supposes that a Space of above forty Years in which he conducted his People, and the long Experience of that Time, could not cure him of his Enthusiasm, with Regard to so clear a Point that must be perpetually thrusting it self upon his Observation. He must in that Case have been stark mad: Which is so monstrous a Fancy that all Mankind will be ashamed of it. The Book goes on to shew, that if *Moses* had a divine Mission, and consequently what he delivered of the extraordinary Providence of God was true, there was not only no need of the Doctrine of a future State; but that a great many wise Ends, becoming infinite Wisdom, were served by omitting it: Nay, that it could not, for many important Reasons, have been taught. To support this, a View is given of the universal Dispensation of God to Man as a religious Agent: And the Coincidence and Dependence of his several Revelations to him are explained and illustrated: In which, the true Nature of his last and perfect Revelation  
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by the Ministry of his Son is we presume more rationally explained. From whence will appear the wonderful Harmony of the Whole; and the Depth and Riches of the Wisdom and Goodness of God made manifest, in a Series of Observations, that, we hope, have in them as much Solidity as Novelty. And with this concludes the last Book.

This is a very slight and imperfect general View of a Work, where a vast Variety of Circumstances, not hinted at in this short Account, do, we presume, so strongly contribute to the Establishment of our Conclusion, that nothing, as we said, remains against it but a mere physical Possibility of the contrary. And, *this*, on the Principles of the Deists themselves. And from those very Marks of Resemblance they pretend to have discovered between *Moses* and the ancient Pagan Legislators; and from many others, which, in the Course of this Work, we have brought out to Observation. So well founded was the triumphal Confidence of this great Missionary of God, who, as if he had foreknown this Objection that Scoffers of the latter Age were to make to the Divinity of his Character, dared rest the Truth of his Pretensions on an Appeal to those Legislators themselves, and their Pagan Followers; where, in his last Moments, he thus exultingly cries out, \* THEIR ROCK IS NOT AS OUR ROCK, OUR ENEMIES THEMSELVES BEING JUDGES.

\* Deut. xxxii. 31.



**T**HE Author's Absence from the Press, and his not seeing the Sheets till they were printed off, are the Cause that many Errors are left uncorrected. The inaccurate Pointing throughout, and other more minute Faults are submitted to the Reader's Candour; and those of more Importance are here marked out for his Correction.

## E R R A T A.

### Page. Line.

2. 22. for, *intollerent* read *intollerant*.  
6. 23. for, *to apply reasoning*, r. *to apply the Reasoning*.  
10. penul. for, *Duiets*, r. *Duties*.  
12. 20. for, *are Wants*, r. *are our Wants*.  
14. 32. for, *whose public Station*, r. *whose Converse in Affairs*.  
15. 32. of the Note, the Paranthesis not to close at *Atbeist*, but at *contrary*.  
16. 27. for *properly*, r. *Property*.  
19. 30. for, *a more juxta-pos.* r. *a mere juxta-pos.*  
48. 29. for, *and not contending*, r. *and yet contending*.  
59. 23. for, *the civil*, r. *this, civil*.  
65. 2. for, *his Jurisdiction*, r. *its Jurisdiction*.  
67. 26. for, *foedore*, r. *foedere*.  
73. 15. for, *Prosperity*, r. *Property*.  
84. 21, 2, 3. for — [Let us see now in what this Supremacy consists. It consists in these three Particulars,—] read—[Let us see the Consequences of this Supremacy. The first is]  
85. 30, 1. for [The second Particular in which this Spremacys consists is] read—the second Consequence is,]  
88. 13. for—[the last Branch of this Supremacy is,] read—[The third Consequence is,]

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## ERRATA.

Page Line.

117. 3. for, *a Test-Right*, r. *a Test.—Right*,  
 136. 2. of the Note for, *ἡ ἀρετή*, r. *ἡ ἀρετὴ*.  
 139. 9. for *agregate*, r. *aggregate*.  
 150. 10. for, *because Man*, r. *because one Man*,  
 15. dele [2]  
 155. 6. for, *affected*, r. *effected*.  
 163. 10. for, *or*, r. *nor*.



